

# A ROADMAP FOR STUDYING FIQH

An introduction to the key texts of the four madhabs



**Compiled and edited by: Muhammad Nabeel Musharraf**

*(Extracted from the writings of Sheikh Abu Aaliyah Surkheel, Sheikh Abu Ihsan Al-Asiri and other distinguished scholars)*

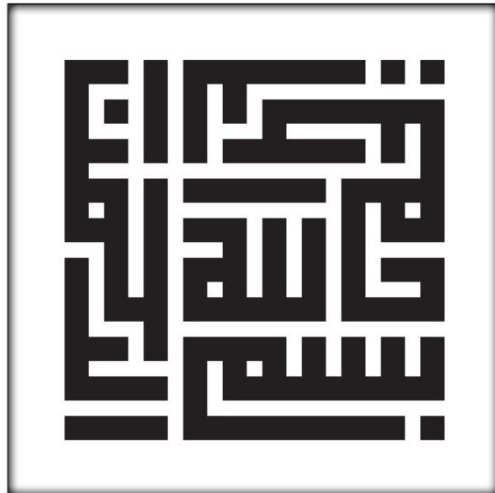


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## **ACKNOWLEDGEMENTS AND CREDITS**

The contents in this book are either derived, or taken directly, from the works of the following noble scholars:

**Sheikh Abu Ihsan Al-Asiri**

**Sheikh Abu Aaliyah Surkheel**

May Allah SWT reward them for their efforts.

As an editor, I have edited, compiled, and presented various separate articles as one succinct work in book form.

The original contents have been expanded and complimented with other relevant information and details where considered necessary. In doing so, I have also included opinions and explanations from **other notable scholars**.

All the credits for this book go to these notable scholars and the sole purpose of my effort was to convey this treasure to those who are eagerly looking for it.

May Allah make it a source of success for all of us in this world and the hereafter.

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## CHAPTER 1



### **First Things First – Basic principles for studying Fiqh**

Chapter 1 provides a basic overview of what 'Fiqh' entails, and highlights some key principles that are required to be adhered to in the study of Fiqh. The chapter first explains the importance of starting the learning of Fiqh with one school of thought and provide an overview of opinions of various scholars about this matter. This is followed by a set of guidelines regarding practical aspects that need consideration for the study of Fiqh.

#### **What is Fiqh?**

Linguistically, the word Fiqh means "deep understanding" or "full comprehension". In terms of its connotation in the matters of religion, Fiqh is a term that is used to represent 'Islamic jurisprudence' which deals with the interpretation of the Quran and Sunnah in terms of their practical application.

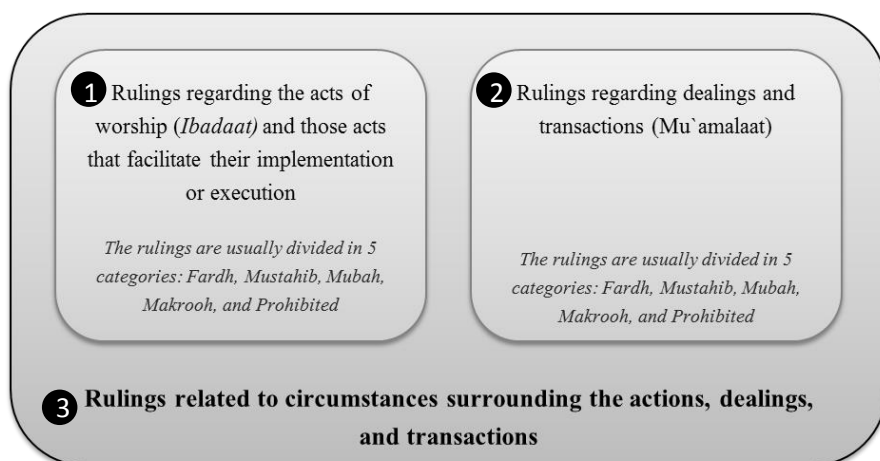
Simply put, Fiqh is concerned with the extraction of Islamic rulings through Islamic sources (Quran, hadith, etc.), which are studied under Usul-ul-Fiqh (i.e. the principles of interpretation of Quran and Sunnah). In other words, Fiqh is the end result while Usul-ul-Fiqh is the means to that end result. Fiqh is commonly translated as Islamic jurisprudence.

As Fiqh is based on the human interpretation of the Quran and Sunnah, there can be differences interpretation and also it can potentially have some misinterpretations. It is also changeable in nature. We accordingly see various schools of thought which differ in terms of certain principles of interpretation ('Usool Al-Fiqh').

Of these, there are four schools which are more popular among the Ahlus Sunnah Wal Jama'ah; these are Maliki, Hanafi, Shafi'i, and Hanbali. A distribution of these schools among the Muslim world (along with some other schools of thought) is shown in figure 2.

### What does the study of Fiqh involve?

The scope of the sciences of Fiqh includes the ruling regarding the acts of worship, the acts which facilitate the performance of these acts, and the matters related to dealings and transactions, as summarized in figure 1. Fiqh also involves rulings related to the conditions and circumstances which govern the applicability or inapplicability of legal rulings.



**Figure 1:** The three key aspects that fall within the scope of 'Fiqh'

## **Important Principles for Studying Fiqh**

Muslim scholars have always emphasized the importance of manners and methods of seeking knowledge before actually acquiring the knowledge.

Imam Malik R.A.said,

*“My mother would dress me up in the clothes of the scholars while I still was a young boy and she would tell me, ‘Go to the Masjid and seek knowledge from Imam ar-Rabiah R.A., study his manners before you take from his knowledge.’”*

We have accordingly summarized some of the important manners of studying fiqh. These points, however, are not all-encompassing and other books on manners of seeking knowledge should be read in conjunction with these.

### **Principle # 1: Start with one school of thought**

The most effective way to learn Fiqh, as our scholars point out, is for the seeker to follow one specific madhhab from the four remaining orthodox Sunni madhhabs: namely, Hanafi, Maliki, Shafi'i, and Hanbali.

#### **Explanation:**

We often come across a question when it is argued whether we should follow or study a particular madhab, or would that be more appropriate to pick and choose from all four of them. This question is even more important for the seekers of knowledge as it would form the foundations of their scholarship and educational endeavors. Following is an

examination of various views in this regard followed by a recommended approach.

First of all, let us examine if it is even valid to follow a madhab as per the opinions of scholars from various schools of thought.

According to Sheikh Saleh Al-Munajjid,

*It is not obligatory for a Muslim to follow any particular madhhab among these four [i.e. Maliki, Hanafi, Shafi'i, and Hanbali]. People vary in their level of understanding and ability to derive rulings from the evidence. There are some for whom it is permissible to follow (taqleed), and indeed it may be obligatory in their case. There are others who can only follow the shar'i evidence.<sup>i</sup>*

According to Mufti Taqi Uthmani<sup>ii</sup>,

*The essence of Taqleed is that a person who doesn't have the capability to reach a decision based on the Qur'an and Sunnah should adhere to an expert scholar and rely upon his judgment.*

In his book, “The Legal Status of Following a Madhab”, he also highlighted four levels of Taqleed, as explained by Shah Waliullah, which make it clear that Taqleed is mandatory for some people, while others have a right to differ with their Imams and give rulings that may or may not align with the rulings of the Imam. However, there are some very stringent pre-requisites for this. If those prerequisites are not met, a person should never follow this approach.

Sheikh Saleh Al-Fawzan expresses this opinion in following words:



*There are conditions which must be fulfilled by the mujtahid in order to become qualified to work out rulings and issue fatwas. This means that he has attained good general knowledge of the Book of Allah, the Sunnah of His Messenger (blessings and peace of Allah be upon him), and the views of the early generations, namely the Sahabah and Taabi'een; and that he has knowledge of the basic principles of deriving rulings, meaning that he knows what abrogates and what is abrogated, what is general in meaning and what is specific, what is mentioned in broad terms and what is restricted, what is mentioned in brief and what is explained in more detail, and other principles of deriving rulings, in addition to having knowledge of the rules of the Arabic language which is the language of the religious texts of the Qur'an and Sunnah, and of the styles of Arabic and various ways of expressing ideas in Arabic.*

*But if a person is simply a reader, as you mention, then it is haram for him to engage in ijihad, because he is likely to fall into error and cause others to fall into error. Ordinary Muslims and those who are beginners in the pursuit of knowledge should follow scholars whose religious commitment and knowledge they trust, and follow their views so long as it is not clear to them that their views are contrary to the evidence. So they should follow scholarly views that are based on evidence, if they are able to distinguish between what is more likely to be correct and what is less likely to be so. And Allah knows best.<sup>iii</sup>*

According to Sheikh Abu Aaliyah Surkheel,

*Strictly following one madhhab in all that it orders or forbids is not obligated, but nor is it forbidden. Rather it is preferred.*

According to Sheikh Saleh Al-Uthaymeen,

*Taqleed is done in two cases. 1) when the muqallid is an 'aamee (a common person) who does not have the ability to acquire knowledge of the Shariah ruling by himself. So taqleed is obligatory upon him, due to the saying of Allah - The Most High, "ask the people of knowledge if you do not know." So, he does taqleed of one whom he considers to be a person of knowledge and piety. If there are two such people who are equal in his view, then he chooses any one of them. 2) The mujtahid when he encounters a new situation, for which an immediate solution is required, but it is not possible for him to research into this matter. So, in this case he is permitted to perform taqleed.*

It is clear from all the above that following a religion is preferred, but not obligatory. For those who do not possess the required level of knowledge should follow one school of thought or a mujtahid that they consider to be highly knowledgeable. As shown from the above statements, there is no difference in agreement about this among the learned scholars.

As a student of knowledge, who is just beginning a journey in the quest of knowledge, it is, therefore, recommended for you to start with one madhab first.

It may also be important to note that picking and choosing from various madhahib to seek more convenient rulings (rukhsah) from all of them is strictly forbidden. Again, there is no difference of opinion regarding this. This is what the Imam Nawawi mentioned as a reason to adhere to one school of thought<sup>iv</sup>.

In terms of choosing which scholar or Mujtahid to follow, Mufti Taqi Uthmani has quoted the following passage from Imam Abu Hamid Muhammad Al-Ghazali.

*If it is asked, a lay person may base his choice on assumptions and hence, he may be deceived by appearances. This may lead him to give preference to a lesser Imam over one who is more suited. So, if he is allowed to exercise his judgment (in choosing an Imam) and acts upon his assumptions, why can't he then act upon his assumptions in the issue under discussion? Understanding the various degrees of scholarship is very intricate and a layperson cannot be the best judge for that. This question is valid. Our answer is that if a non-physician, whose child has become sick, decides to administer medications as he sees fit will be held responsible and will be guilty of transgression. If he consults a physician, he will not be responsible and will not be transgressing. If there are two physicians in town and they differ over the prescription, then if the father of the son decides to take the prescription of the lesser over that of the better physician, he will be held accountable. He (the father) would know of the better physician by merely listening to the opinions formed by patients, by the lesser physician's referral to the better physician and by overwhelming signs which will convince him (the father) that this physician is better than the other. The same is the case for choosing the best scholar from several. There is no need to look into the issue itself (just as it is not necessary to look into the prescription or medicine). This much, the layperson is quite capable of doing and determining. It is not proper to go against the overwhelming assumption merely because of likes and dislikes. This is the most correct opinion - in our view - and the*

*most suitable for regulating people in God-consciousness (Taqwa) and accountability.*<sup>v</sup>

Accordingly, those beginning their journey can choose one school of thought that they find to be most suitable in accordance with the criteria mentioned above. Pragmatically, one either builds on the madhhab they were raised on, cementing and enhancing one's grasp of it; or else one commits to learning a madhhab whose teachers and texts are practically and readily accessible. In many cases, the most prevalent madhhab in the country or locality can be a suitable choice too, highlighted by Sheikh Saleh Al-Munajjid:

*You should understand that studying Fiqh through the books of the madhhabs is something that that is very common and there is nothing wrong with it, rather it is something that should be done, for no one can learn Fiqh without doing that. This is the way of our scholars and sheiks. So, whoever wants to start his study in Fiqh, let him choose one of the madhhabs – and what is preferable is for him to choose the one that is most common in his country – and memorize a brief text on that madhhab, then learn the commentary thereon from a well-versed Shaykh. Then after that he can broaden his study of Fiqh little by little, until he is able to read the books that talk about the madhhabs and their evidence and the examination thereof, which is known as “comparative Fiqh (al-Fiqh al-Muqaaran),” such as al-Mughni by Ibn Qudamah, and al-Majmoo‘ by an-Nawawī. In this manner, he will be able to learn Fiqh.*<sup>vi</sup>

**Benefits of starting with one madhab:**



Sheikh Abu Aaliyah Surkheel has summarized the following main benefits of following one madhab for the uninitiated.

- (i) It avoids the confusion of what to do when faced with differing opinions on a given Fiqh issue.
- (ii) It trains the ego to submit to some higher authority, instead of the other way around.
- (iii) It facilitates the learning of religious rulings, principles, and maxims in a systematic fashion.
- (iv) It ensures that for any religious ruling (hokum) we abide by, we will not be sinful in doing so because we are imitating legitimate and authoritative rulings; not our own whimsical concoctions.

### **Principle # 2: Study under the guidance of a qualified teacher**

It is preferred to study with a qualified teacher who has been authorized to teach by recognized scholars.

Shaykh Bakr Abu Zayd considers this as one of the most important etiquettes for the seekers of sacred knowledge. In his book ‘The Etiquette of Seeking Knowledge’<sup>vii</sup>, he warns:

*Whoever enters knowledge alone, will emerge alone,” i.e. whoever becomes involved in seeking knowledge without a Shaykh will emerge without knowledge, because knowledge is a profession, and every profession has its experts, therefore it is necessary to have a proficient teacher in order to learn. There is almost a consensus among the scholars upon this, except for a very few who were isolated in their opinion.*

He further highlights, through poetry, that it was said:

*And whosoever does not read the books to the scholars  
Then his certainty in difficult issues is conjecture*

*And Aboo Hayaan used to frequently recite [the following poetry];*

*The gullible one [wrongly] assumes that books guide  
The one of understanding in attaining knowledge,*

*And it escapes the ignorant one that in it  
Are obscure issues that confuse the mind of a person with understanding.*

*If you wish [to attain] knowledge without a teacher  
You will stray from the Straight Path.*

*And the issues will become so confusing to you  
That you will become more astray than Tuma the Wise.*

### **Principle # 3: Start with basic texts**

It is recommended to start first with concise primer texts and gradually move towards the more advanced books. This is the recommendation from Shaykh Saleh Aali Shaykh, Sheikh Dr. Issam Rajab, Sheikh Saleh Al-Munajjid, Sheikh Abu Aaliyah Surkheel and a number of other scholars.

For each madhab, various texts can be found for the beginner, intermediate and advanced levels.

### **Principles # 4: Do not try to become a scholar overnight**

In terms of studying any discipline so as to gain some degree of proficiency, two things must be born in mind:

- the need to learn step-by-step, as well as

- the need for a qualified teacher.

Learning in stages/step-by-step (bi tadarruj) can be gleaned from the following words of the Prophet, peace be on him:

*‘Verily this religion is strong, so go through it gently.’*

*[Ahmad, Musnad, 3:199]*

Received wisdom here comes in the form of this remark:

*man rama al-‘ilma jumlatan dhahaba ‘anhu jumlatan – ‘Whoever acquires knowledge all at once, shall lose it all at once.’*

Also:

*izdihamu’l-‘ilm fi’l-sami’ madallatu’l-fahm – ‘Cramming knowledge into the hearing, causes understanding to be lost.’*

### **Principle # 5: Adopt a gradual learning approach**

Commit to a step-by-step study of Fiqh. The student must not forget that seeking knowledge should be done gradually. This gradual process of learning is also clearly reflected in the manner in which the Quran was revealed over a period of 23 years. Allah SWT says [interpreted meaning]: “And it is a Qur’an which We have separated by intervals that you might recite it to the people over a prolonged period. And We have sent it down progressively.” [Al-Isra’ 17:106]

In all your efforts towards seeking sacred knowledge, you must bear in mind this principle of gradualism, otherwise, you may try to attain the impossible, and when you do not achieve it, you may become frustrated.

Begin with the rules related to purification, prayer, zakat, and fasting; then move on to the rules concerning marriage, buying and selling; and other relevant areas of Fiqh as your needs dictate.

### **Principle # 6: Understand the rulings**

Religious rulings are not of one uniform category. Rather, the scholars have classified them in various categories. When studying Fiqh, the learner is expected to learn about the category a ruling falls into.

The extracted rulings related to actions fall into one of five levels:

1. **Wajib** – Obligatory. The one who does it will be rewarded while the one who avoids it will be punished.
2. **Haraam** – Forbidden. The one who does it will be punished while the one who avoids it will be rewarded.
3. **Mandub** – Recommended. The one who does it will be rewarded while the one who avoids it will not be punished. This is also called *mustahab*.
4. **Makruh** – Disliked. The one who does it will not be punished while the one who avoids it will be rewarded.
5. **Mubah** – Allowed. The one who does it or avoids it will neither be rewarded nor punished. So there is no reward or punishment for doing or not doing actions of this level.

### **Principle # 7: Understanding the Adillah (evidence) is commendable**

The students who have just begun the study of Fiqh are not expected to know all the proofs and legal evidence behind the rulings. This *taqlid* – “following the opinion of a qualified scholar without knowing the proofs” – is allowed in our religion by juristic consensus or *ijma’* under certain



conditions. That is the reason why most of the primer texts on Fiqh do not present the sharai'i proofs with the rulings. However, in the intermediate and advanced level books, we see the details of evidence. Advanced books often show the comparative analysis of various proofs and opinions to clarify the matter and the Usool behind the ruling. As a student of fiqh, you should gradually establish your understanding of the adillah or the evidence behind the rulings as you progress with your study.

**Principle # 8: Do not forget the important co-requisites to the study of Fiqh**

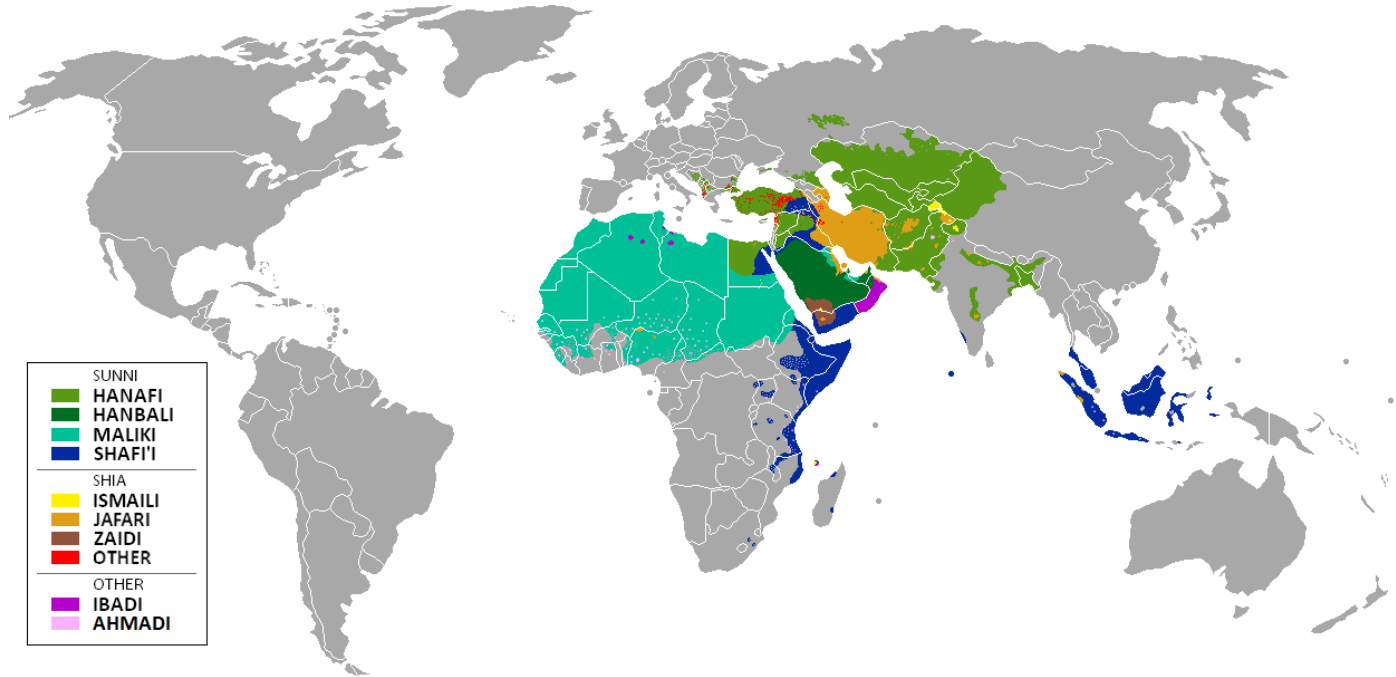
Alongside the learning of rulings related to the basic acts of worship ('ibadat) and social dealings (mu'amalat), one should also learn the rights and responsibilities (huquq) owed by us to others: be it to Allah; the Prophet ﷺ, peace be upon him; parents and relatives; other Muslims; non-Muslims; the animal world; or the Earth itself. One should also study a text which outlines the major sins, as well as learn basic Qur'an recitation (tajwid).

**Principle # 9: Never be biased towards any madhhab or scholar**

We should never forget that the Fiqh school we follow is a means to an end; it is not an end in itself. Bigotry or ta'assub to any madhhab or scholar is prohibited. In this respect, al-Dhahabi (d.748H/1348CE) said:

*'You must not believe your madhhab is the best one or the one most pleasing to God. You have no proof for this; nor does the one who differs with you. The Imams, may God be pleased with them, were all upon great good. Those issues wherein they were correct, they will receive a*

*double reward; those in which they erred, they shall receive a single reward.<sup>viii</sup>*



**Figure 2:** The Distribution of Madhabs across the Muslim world

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## CHAPTER 2



### **How to Study Hanafi Madhab**

The Hanafi school is based on the opinions and Ijtihadat of Imam Abu Hanifah and his learned students Imam Muhammad and Imam Shaybani. This madhab is strongly influenced by judgments and jurisprudential methods of the outstanding Companion Abdullah bin Mas'ood R.A. and Ali bin Abu Talib R.A. It is considered to be the oldest of the four schools of thought.

Currently, it is predominant in the countries that were once part of the historic Ottoman Empire, Mughal Empire and Sultanates of Turkic rulers in the Indian subcontinent, northwest China, and Central Asia. In the modern era, Hanafi fiqh is prevalent in the following regions: Turkey, the Balkans, Syria, Lebanon, Jordan, Palestine, Egypt, parts of Iraq, the Caucasus, parts of Russia, Turkmenistan, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, Afghanistan, Pakistan, parts of India and China, and Bangladesh.

In this chapter, we will first present a chronology of the Hanafi jurists and their major works. This would be followed by a brief discussion on the books used for teaching in seminaries that adhere to Hanafi Fiqh.



## **Chronology of Hanafi Jurists and their Major works**

It is very important for the students of knowledge to understand the birth/death year of the major scholars as this can prevent many obvious blunders and inaccurate referencing.

Sheikh Muntasir Zaman has prepared a very comprehensive table (as below) capturing the names, birth/death dates, and works of major Hanafi jurists, starting from the Imām of the Madhhab until the jurists of the present century. In this chart, they have sufficed on the relatively prominent jurists considering the pragmatic aspects the associated objectives. Many other Hanafi scholars could have been added but were omitted based on their level of prominence in fields besides Fiqh. Wherever possible, both the dates of birth and death have been mentioned. When an approximate date is mentioned, it is preceded by “ca.” (circa). The abbreviation “p.” means “post.”

It should be noted that the purpose of this chart is to serve as an easy reference for those searching for the names and birth/death dates of major Hanafi jurists. Those who are interested in detailed biographical entries of these jurists should refer to the relevant works, such as *Tarīkh Baghdād* of al-Khatīb al-Baghdādī, *al-Jawāhir al-Mudiyyah* of al-Qurashī, *Tāj al-Tarājim* of Qāsim ibn Qutlūbughā, *al-Fawā'id al-Bahiyyah* of al-Laknawī, and *al-A'lām* of al-Ziriklī etc.

**Note:**

Some names have been added by the editor, to the original list compiled by Sheikh Mustansir.

Jurist	Work/s	Date (AH)
<b>SECOND CENTURY</b>		
Abū Hanīfah al-Nu'mān ibn Thābit	Kitāb al-Āthār	80-150
Abū Yūsuf Ya'qūb ibn Ibrāhīm	Al-Amālī/Kitāb al-Kharāj	113-182
Muhammad ibn al-Hasan al-Shaybānī	Al-Asl, al-Jāmi' al-Saghīr/al-Kabīr, al-Ziyādāt, al-Siyar al-Kabīr	132-189
Zufar ibn al-Hudhayl		110-158
<b>THIRD CENTURY</b>		
Al-Hasan ibn Ziyād al-Lu'lu'ī	Al-Mujarrad	d. 204
Abū Sulaymān Mūsā al-Jūzajānī	Nawādir Abī Sulaymān	d. p. 200
Mu'allā ibn Mansūr al-Rāzī	Nawādir Mu'allā ibn Mansūr	ca. 150-211
Abū Hafs al-Kabīr al-Bukhārī		150-217
Īsā ibn Abān	Al-Hujaj al-Saghīr/ al-Hujaj al-Kabīr	d. 221
Muhammad ibn Samā'ah al-Tamīmī	Kitāb Adab al-Qādī	130-233
Ahmad ibn 'Amr al-Khassāf	Kitāb Ahkām al-Awqāf	ca. 185-261
Muhammad ibn Shujā' al-Thaljī	Kitāb al-Manāsik	181-266
<b>FOURTH CENTURY</b>		
Abū Ja'far Ahmad al-Tahāwī	Sharh Ma'ānī al-Āthār/al-Mukhtasar	239-321
Abū Mansūr al-Māturīdī	Kitāb al-Tawhīd/ Ta'wīlāt Ahl al-Sunnah	d. 333
Muhammad al-Hākīm al-	Al-Kāfī (Mukhtasar al-Asl)	d. 334

Shahīd		
Abu 'l-Hasan al-Karkhī	Mukhtasar al-Karkhī	260-340
Abū Bakr al-Jassās al-Rāzī	Ahkām al-Qur'ān, Sharh Mukhtasar al-Tahāwī	305-370
Abū Ja'far al-Hiduwānī	Sharh al-Jāmi' al-Saghīr	300-362
Abu 'l-Layth al-Samarqandi (al-Faqīh)	Al-Nawāzil/'Uyūn al-Masā'il	d. 373
FIFTH CENTURY		
Abu 'l-Husayn Ahmad al-Qudūrī	Mukhtasar al-Qudūrī/al-Tajrīd	362-428
Abū Zayd 'Ubayd Allāh al-Dabūsī	Taqwīm al-Adillah	367-430
Abu 'l-'Abbās Ahmad al-Nātīfī	Kitāb Jumal al-Ahkām/al-Wāqī'āt	d. 446
Shams al-A'immah al-Halwānī	Al-Mabsūt	d. 448
Abu 'l-Hasan 'Alī al-Sughdī	Al-Nutaf fī 'l-Fatāwā	d. 461
Abū Nasr Ahmad al-Aqta'	Sharh Mukhtasar al-Qudūrī	d. 474
Al-Qādī Ahmad ibn Mansūr al-Isbjābī	Sharh al-Jāmi' al-Saghīr	d. 480
Fakhr al-Islām 'Alī al-Bazdawī	'Usūl al-Bazdawī	ca. 400-482
Shaykh al-Islām Khuwāhar Zādah	Al-Mabsūt	d. 483
Shams al-A'immah al-Sarakhsī	Al-Mabsūt/Sharh al-Siyar al-Kabīr	d. ca. 490
SIXTH CENTURY		
Zahīr al-Dīn al-Marghīnānī al-Kabīr		d. 506
Shaykh al-Islām 'Alī al-Isbjābī	Sharh Mukhtasar al-Tahāwī	454-535
Husām al-Dīn al-Sadr al-Shahīd	Al-Wāqī'āt/Sharh Adab al-Qādī	483-536
Najm al-Dīn 'Umar al-Nasafī	Talabah al-Talabah	461-537
'Alā' al-Dīn Muhammad al-Samarqandī	Tuhfat al-Fuqahā'	d. 539

Jār Allāh Mahmūd al-Zamakhsharī	Ru'ūs al-Masā'il	467-538
Abu 'l-Fath 'Abd al-Rashīd al-Walwālījī	Al-Fatāwā al-Walwālījīyah	467- p. 540
Ahmad ibn Mūsā al-Kashshī	Majmū' al-Nawāzil	d. ca. 550
Nāsir al-Dīn Muhammad al-Samarqandī	Al-Fiqh al-Nāfi'/al-Multaqat	d. 556
Rukn al-Dīn al-Kirānī	Jawāhir al-Fatāwā	d. 565
Sirāj al-Dīn 'Alī al-Ūshī	Al-Fatāwā al-Sirājīyah, Bad' al-Amālī	d. p. 569
Abu 'l-Muẓẓaffar As'ad al-Karābīsī	Al-Furūq	d. 570
Radī al-Dīn Muhammad al-Sarakhsī	Al-Muhīt al-Ridawī	d. 571
Abū Nasr Ahmad al-'Attābī	Al-Fatāwā al-'Attābiyyah/Sharh al-Ziyādāt	d. 586
Abū Bakr ibn Mas'ūd al-Kāsānī	Badā'i' al-Sanā'i'	d. 587
Hasan ibn Mansūr QādīKhān	Fatāwā QādīKhān	d. 592
'Alī ibn Abī Bakr al-Marghīnānī	Al-Hidāyāh/al-Tajnīs	d. 593
Jamāl al-Dīn Ahmad al-Ghaznawī	Al-Hāwī al-Qudsī	d. 593
Husām al-Dīn 'Alī al-Rāzī	Khulāsāt al-Dalā'il fī Tanqīh al-Masā'il	d. 598
SEVENTH CENTURY		
Tāhir ibn Ahmad al-Bukhārī	Khulāsāt al-Fatāwā	d. p. 600
Burhān al-Dīn Mahmūd al-Bukhārī	Al-Muhīt al-Burhānī/al-Dhakhīrah al-Burhāniyyah	d. 616
Zahīr al-Dīn Muhammad al-Bukhārī	Al-Fatāwā al-Zahīriyyah	d. 619
Majd al-Dīn Muhammad al-Ushrūshnī	Al-Fusūl	d. 633
Shams al-A'imma al-Kardarī	Sharh al-Muntakhab al-Husāmī	559-642

'Abd al-Rahīm Hafīd Sahib al-Hidāyāh	Fusūl al-'Imādi	d. p. 651
'Alā' al-Dīn al-Tarjumānī	Yatīmat al-Dahr	d. 654
Najm al-Dīn Mukhtār al-Zāhidī	Al-Qunyah/al-Hāwī/al-Mujtabā	d. 658
Zayn al-Dīn Muhammad al-Rāzī	Tuhfat al-Mulūk	610- p.666
Tāj al-Sharī'ah Mahmūd ibn Ahmad	Al-Wiqāyah	d. 673
Jalāl al-Dīn al-Karlānī	Al-Kifāyah (Sharh al-Hidāyah)	d. 676
Abu 'l-Fadl 'Abd Allāh al-Mawsilī	Al-Mukhtār li 'l-Fatwā/al-Ikhtiyār	599-683
Muẓaffar al-Dīn Ahmad-Ibn al-Sā'ātī	Majma' al-Bahrayn	d. 694
<b>EIGHTH CENTURY</b>		
'Umar ibn Muhammad al-Sunnāmī	Nisāb al-Ihtisāb/al-Fatāwā al-Diyā'iyyah	First half of 7th century- first quarter of 8th century
Dāwūd ibn Yūsuf al-Khatīb	Al-Fatāwā al-Ghiyāthiyya	First half of 8 <sup>th</sup> century
Muhammad ibn Muhammad al-Kāshgharī	Munyat al-Musallī	d. 705
Hāfiẓ al-Dīn Abu 'l-Barakāt al-Nasafī	Al-Manār/Kanz al-Daqā'iq/al-Kāfi	ca. 620- 710
Abu 'l-'Abbās Ahmad al-Sarūjī	Al-Ghāyah (Sharh al-Hidāyah)	637-710
Husām al-Dīn Husayn al-Sighnāqī	Al-Nihāyah/al-Kāfi Sharh Usūl al-Bazdawī	d. ca. 714
Fakhr al-Dīn 'Uthmān al-Zaylāī	Tabyīn al-Haqā'iq	d. 743
Sadr al-Sharī'ah 'Ubayd Allāh ibn Masūd	Sharh al-Wiqāyah/al-Nuqāyah	d. 745 or 747
Qiwām al-Dīn Muhammad al-Kākī	Mi'rāj al-Dirāyah	d. 749
Amīr Kātib al-Itqānī	Ghāyat al-Bayān/al-Shāmil	685-758

Ibrahīn ibn ‘Alī al-Tarasūsī	Anfa’ al-Wasā’il (al-Fatawā al-Tarasusiyya)	721-758
Jamāl al-Dīn ‘Abd Allāh al-Zayla‘ī	Nasb al-Rāyah	d. 762
‘Abd al-Wahhāb ibn Ahmad-Ibn Wahbān	Manzūmat Ibn Wahbān	728-768
Tāhir ibn Islām al-Khāwrazmī	Jawāhir al-Fiqh	d. p. 771
Sirāj al-Dīn ‘Umar al-Ghaznawī al-Hindī	Zubdat al-Ahkām	ca. 704-773
‘Ālim ibn al-‘Alā’ al-Andarpatī	Al-Fatāwā al-Tātarkhāniyyah	d. 786
Akmal al-Dīn Muhammad al-Bābartī	Al-‘Ināyah/al-Taqrīr	ca. 710-786
Shams al-Dīn Muhammad al-Qūnawī	Durar al-Bihār/Sharh Majma’ al-Bahrayn	d. 788
NINTH CENTURY		
Abū Bakr ibn ‘Alī al-Haddād	Al-Sirāj al-Wahhāj/al-Jawharah al-Nayyirah	720-800
‘Abd al-Latīf- Ibn Malak	Sharh al-Manār	d. 801
Mahmūd ibn Isrā’īl-Ibn Qādī Samāwna	Jāmi’ al-Fusūlayn/Latā’if al-Ishārāt	d. 818 or 823
Muhammad al-Bazzāzī al-Kardarī	Al-Fatāwā al-Bazzāziyyah	d. 827
Sirāj al-Dīn Abū Hafs ‘Umar Qāri’ al-Hidāyah	Fatāwā Qāri’ al-Hidāyah	ca. 750-829
Abu ‘l-Hasan ‘Alī al-Tarabulusī	Mu‘īn al-Hukkām	d. 844
Abu ‘l-Baqā’ Muhammad-Ibn al-Diyā’	Al-Bahr al-‘Amīq/Tārīkh Makkah	789-854
Badr al-Dīn Mahmūd al-‘Aynī	Al-Bināyah/Ramz al-Haqā’iq	762-855
Kamāl al-Dīn- Ibn al-Humām	Fath al-Qadīr/Zād al-Faqīr	788-861
Abu ‘l-Fidā’ Qāsim ibn Qutlūbughā	Al-Tashīh wa al-Tarjīh/Munyat al-Alma‘ī	802-879

Shams al-Dīn- Ibn Amīr Hājī	Halabat al-Mujallī/al-Taqrīr wa al-Tahbīr	825-879
Muhammad ibn Farāmurz Mullā Khusrū	Ghurar al-Ahkām/Durar al-Hukkām	d. 885
TENTH CENTURY		
Sarī al-Dīn ‘Abd al-Barr-Ibn Shihnah	Sharh Manzūmat Ibn Wahbān	851-921
Ibrāhīm ibn Mūsā al-Tārbulūsī	Al-Is‘āf lī Ahkām al-Awqāf	d. 853-922
Ahmad ibn Sulaymān- Ibn Kamāl Pāshā	Al-Īdāh fī Sharh al-Islāh	d. 940
Ahmad ibn Yūnus Ibn al-Shilbī	Hashiyat Tabyīn al-Haqā’iq	d. 947
Shams al-Dīn Muhammad al-Quhustānī	Jāmi‘ al-Rumūz/Jāmi‘ al-Mabānī	d. ca. 950
Ibrāhīm ibn Muhammad al-Halabī	Multāqa ‘l-Abhur/Ghunyat al-Mutamallī	d. 956
Zayn al-Dīn ibn Ibrāhīm-Ibn al-Nujaym	Al-Bahr al-Rā’iq/al-Ashbāh wa al-Nzā’ir	d. 970
Muhammad ibn Bīr ‘Ali al-Birgawī	Al-Tarīqah al-Muhammadiyah	929-981
Muhammad al-Mawlā Abū al-Su‘ūd	Tafsīr Abī al-Su‘ūd	898-982
Sinān al-Dīn Yūsuf al-Amāsī	Tabyīn al-Mahārīm	893-986
Ahmad ibn Mahmūd Qādī Zādah	Natā’ij al-Afkār (Takmilah Fath al-Qadīr)	d. 988
Rahmat Allāh al-Sindī	Lubāb al-Manāsik	ca. 933-993
ELEVENTH CENTURY		
Sirāj al-Dīn ‘Umar ibn Ibrāhīm-Ibn Nujaym	Al-Nahr al-Fā’iq	d. 1005
Shihāb al-Dīn al-Tumurtāshī al-Ghazzī	Tanwīr al-Absār/Mus‘ifat al-Hukkām	939- ca. 1007
Alī ibn Sultān Mullā ‘Alī al-Qārī	Fath Bāb al-‘Ināyah/Mirqāt al-Mafātīh	d. 1014
Abū Muhammad al-Baghdādī	Majma‘ al-Damānāt	d. ca. 1030

Ismā'īl ibn 'Abd al-Ghanī al-Nābulusī	Al-Ahkām (Sharh Durar al-Hukkām)	1017-1062
Abu 'l-Ikhlās Hasan al-Shurunbulālī	Nūr al-Idāh/al-Ghunyah Hāshiyah 'ala l-Durar	994-1069
'Abd al-Rahmān-Shaykhī Zādah-al-Dāmād	Majma' al-Anhur	d. 1078
Khayr al-Dīn ibn Ahamd al-Ramlī	Al-Fatāwā al-Khayriyyah	993-1081
'Abd al-Qādir ibn Yūsuf Qadrī Afandī	Wāqī'āt al-Muftīn	1014-1083
Nizām al-Dīn al-Burhānfūrī & other scholars	Al-Fatāwā al-'Ālamgīriyyah	(compiled 1077-1086)
'Alā' al-Dīn Muhammad al-Haskafī	Al-Durr al-Mukhtār/al-Durr al-Muntaqā	1025-1088
Ahmad ibn Muhammad al-Hamawī	Ghamz 'Uyūn al-Basā'ir	d. 1098
Shaykh al-Islām Muhammad al-Anqarawī	Al-Fatāwā al-Anqarawīyyah	ca. 1028-1098
Ibrāhīm ibn Husayn ibn Ahmad ibn Bīrī	'Umdat Dhawī al-Basā'ir	1023-1099
TWELFTH CENTURY		
As'ad ibn Abī Bakr al-Uskudārī al-Madanī	Al-Fatāwā al-As'adiyyah	1050-1116
'Abd al-Ghanī ibn Ismā'īl al-Nablusī	Nihāyat al-Murād/al-Jawhar al-Kalī	1050-1143
Abū al-Su'ūd al-Azharī	Fath Allāh al-Mu'tn	d. 1172
Abū Sa'īd Muhammad al-Khādīmī	Al-Barīqah al-Mahmūdiyyah	1113-1176
Muhammad Hāshim al-Tatawī	Fākihāt al-Bustān	1104-1174
Ibrāhīm ibn Mustafā al-Madhārī al-Halabī	Tuhfat al-Akhyār	d. 1190
Mustafā ibn Muhammad al-Tāī	Tawfīq al-Rahmān	1138-1192
THIRTEENTH CENTURY		
Ahmad ibn Muhammad al-	Hāshiyat al-Tahtāwī 'alā al-	d. 1231



Tahtāwī	Durr	
Muhammad Amīn- Ibn ‘Ābidīn al-Shāmī	Rad al-Muhtār/al-’Uqūd al-durriyyah	1198-1252
Muhammad ‘Ābid al-Sindī al-Madanī	Tawāli‘ al-Anwār	1190-1257
‘Abd al-Ghanī al-Ghunaymī al-Maydīnī	Al-Lubāb fī Sharh al-Kitāb	1222-1298
FOURTEENTH CENTURY		
Abu ‘l-Hasanāt ‘Abd al-Hayy al-Laknawī	‘Umdat al-Ri‘āyah/al-Si‘āyah	1264-1304
Shihāb al-Dīn al-Marjānī	Nāzūrat al-Haqq	1233-1306
‘Alā’ al-Dīn Muhammad Ibn ‘Ābidīn	Al-Hadiyyah al-‘Alā’iyyah	1244-1306
Muhammad al-‘Abbāsī al-Mahdī	Al-Fatāwā al-Mahdiyyah	1243-1315
Muhammad Kāmil al-Tarabulsī	Al-Fatāwā al-Kāmilīyyah	1244-1315
Amīn ‘Alī Haydar Afandī	Durar al-Hukkām (Sharh al-Majallah)	d. 1321
Rashīd Ahmad Gangohī	Fatāwa Rashīdiyyah	1244-1323
‘Abd al-Qādir al-Rāfi‘ī	Taqrīr ‘alā al-Durr al-Mukhtār	1248-1323
Muhammad Khālīd al-Atāsī	Sharh Majjalat al-Ahkām	1253-1326
Shibli Nomani		1273-1332
‘Azīzur Rahmān ‘Uthmānī	‘Azīz al-Fatāwā	1275-1347
Khalīl ibn ‘Abd al-Qādir Al-Nahlāwī	Al-Durar al-Mubāhah	d. 1350
Muhammad Bakhīt al-Mutī‘ī	Fatāwā Bakhīt al-Mutī‘ī	1271-1354
Ahmad ibn Muhammad Zarqā	Sharh Qawā‘id al-Fiqhiyyah	1285-1357
Ashraf ‘Alī Thānawī	Imdād al-Fatāwā	1280-1362
Kifāyatullāh Dehlawī	Kifāyat al-Muftī	1292-1372
Ahmad ibn Muhammad al-Kurdī	Al-Fatāwā al-Halabiyyah	1297-1373
Syed Suleiman Nadvi		
Zafar Ahmad ‘Uthmānī	Imadād al-Ahkām/I‘lā’ al-Sunan	1310-1394

Muhammad Shaff' Deobandī	Jawāhir al-Fiqh, Imdād al-Muftīn	1314-1396
FIFTEENTH CENTURY		
Mahmūd Hasan Gangohī	Fatāwā Mahmūdiyyah	1325-1417
Nizāmud Dīn A'zamī	Nizām al-Fatāwā	1328-1420
'Abdur Rahīm Lajpūrī	Fatāwā Rahīmiyyah	1321-1422
Rashīd Ahmad Ludhyānwī	Ahsan al-Fatāwā	1341-1422
Taqi Uthmani	Fatawa Uthmani	b. 1362

## **Types of books in the Hanafi Fiqh**

There is no book recorded on Fiqh by Imam Abu Hanifah. But, the books of his disciple Imam Muhammad Shaibani are considered to be the first and foremost source of Hanafi Fiqh. In the Hanafi fiqh, there are three types of books:

- (1) Books of ‘Zahir Al-Riwayah’
- (2) Books of ‘Nawadir’
- (3) Nawazil, Fatawa, and Waqi’aat

Following is a brief overview of these three types of works, (as explained by Mufti Obaidullah Qasimi, Maulana Afzal Qasmi, and Maulana Mufti Muhammadullah Khalili Qasmi)<sup>ix</sup>.

### **Books of ‘Zahir Al-Riwayah’**

The contents of Zahir Al-Riwayah are most trusted ones. Zahir Al-Riwayah is a collection of six books written by Imam Muhammad. Maulana Bilal Ali provides the following explanation about this category of books:

*These books are termed the Zahir al-Riwayah (manifest narrations) because they are narrated from Imam Muhammad through numerous reliable narrators and manifestly established mass-transmitted or well-known chains.*

*These books were compiled by Muhammad while he resided in Baghdad and were later transmitted through numerous chains from his students in numbers which preclude any possibility of their falsehood or fabrication.*

*The Zahir al-Riwayah primarily serve as a compendium of the legal opinions of the three preeminent imams of the madhhab, namely Abu Hanifah, Abu Yusuf, and Muhammad (who are also called sometimes Ashab al-Madhhab). The books do not limit themselves to the rulings of these three however, and include the legal opinions of other eminent scholars of the madhhab, such as Zufar ibn al-Hudhayl and Al-Hasan ibn Ziyad al-Lu'lu'i, as well as independent mujtahids outside the madhhab, the likes of Abu Thawr and Atwza'i (may Allah have mercy on them all).*

A brief overview of each book is provided below.

1. Al-Jame' Al-Sageer: Eisa bin Aban and Muhammad bin Sama'ah narrated this book from Imam Muhammad. In this book, Imam Muhammad narrated from Imam Abu Hanifah through Imam Abu Yusuf. But, this book does not contain proofs (adillah) for the rulings.
2. Al-Jame' Al-Kabeer: This book covers the similar contents as the previously mentioned book, however, but with greater details.
3. Ziyadaat: This book complements Al-Jame' Al-Kabeer.
4. Al-Mabsoot: This is also known as 'Al-Asl'. In this book, Imam Muhammad has collected the thousands of Mas'alas (rulings) that were derived by Imam Abu Hanifah. This book covers relevant ahadith, followed by the associated rulings and the opinions of the contemporary Ulama of the time.
5. Al-Siyar Al-Sageer: This book deals with the subject of Jihad and international laws. According to Mufti Husain Kadodia

(Madrasah Ina'amiyyah in Camperdown, South Africa), this is a chapter of the book al-Asl and not a separate book by itself.

6. Al-Siyar Al-Kabeer: This is his last book of Fiqh written by Imam Muhammad.

In the late third or early fourth century, Hakim Shahid Abu 'l-Fadl Muhammad ibn Muhammad al-Marwazi al-Balkhi compiled the book **Al-Kafi**, a short, abridged collection of the legal rulings from all of these six books from the Zahir al-Riwayah. Organized in the conventional order of legal chapters and concise in its presentation, the Kafi (The Sufficing) truly lived up to its name, allowing students of law to easily identify the Zahir al-Riwayah rulings of the Hanafi school without having to pour over all six books and their relatively less-organized contents. Many scholars penned commentaries of the Kafi, the most recognized of them being Shams al-A'immah al-Sarakhsi's **Al-Mabsut**.

### **Books of 'Nawadir'**

The rulings of this category are those that are not transmitted in the above-mentioned six books of the Zahir al-Riwayah but, like the rulings in them, are also attributed to the early Imams of the madhhab. There are various sources of Al-Nawadir, as explained below:

- From the other books attributed to Imam Muhammad, such as:
  - o Kisaniyat (The narrations of his student Shoaib bin Sulaiman Kisani),
  - o Haruniyyat (Imam Muhammad dictated it in the reign of Caliph Haroon Al-Rashid, this book is attributed to the Caliph),
  - o Jurjaniyyat, and

- Raqqiyyat (These are the matters that he expressed while he was Qazi in Ruqa area)
- From the books of other imams besides Imam Muhammad, including:
  - Imam Al-Hasan ibn al-Ziyad's Kitab ul Mujarrad
  - Imam Abu Yusuf's Kitab ul Amali
- The singular, scattered legal opinions of the early imams that were recorded by the likes of Ibn Sama'ah, Mu'alla ibn Mansur, Hisham, Ibn Rustum, and others.

### **Nawazil, Fatawa, and Waqi'aat**

Nawazil were the Mas'alas (issues) about which there was no mention in the aforementioned books and the succeeding scholars of Fiqh derived solutions keeping these books before them. Kitab Al-Nawazil of Abul Lais Samarqandi, Majmoo'un Nawazil wal Waqi'aat of Natifi and Al-Waqi'aat of Sadr Shahid are well known among scholars.

The biographies and Waqiat can be studied in the books of Tarikh and Tabaqat including Tarīkh Baghdād of al-Khatīb al-Baghdādī, al-Jawāhir al-Mudiyyah of al-Qurashī, Tāj al-Tarājim of Qāsīm ibn Qutlūbughā, Al Asmar Ul Janniya Fi Tabaqat E Hanafiyyah of Ali Bin Sultan Al-Qari, al-Fawā'id al-Bahiyyah of al-Laknawī, and al-A'lām of al-Ziriklī etc.

### **Teaching of Hanafi Fiqh in Madaris**

The traditional learning ladder for studying the Hanafi Fiqh in seminaries is as follows. It is to be noted that all of the books are not taught in all the Madaris; however, the order or the sequence of these books remains largely the same.

### **Nur ul Idah:**

Nur al-Idah is a broadly taught Hanafi text which entails matters of worship: Purification, Salah, Funeral, Fasting, Zakah, Hajj, and Umrah. It is usually the first book on fiqh in the South Asian madaris.

This text, written by Al-Shurunbulali (d.994), is often taught with its commentary, **Maraqi al-Falah** (which was also written by Al-Shurubbulai).

### **Mukhtasar al-Quduri by al-Quduri (d.428)**

This text is usually the first one studied in the Arab world. In the South Asian madaris, however, it is taught after Nur ul Idah; these madaris cover this book in a lot of detail which eliminates the need for Al-Ikhtiar (the next book in our list). This explains the reason why Al-Ikhtiar is missing from the curriculum of South Asian madaris.

Mukhtasir Al-Qudoori covers the full spectrum of fiqh. In al-Sham, it is almost always studied alongside its commentary, **al-Lubab**, by Abd-al-Ghani al-Maydani, a student of Ibn Abidin. The benefit of this commentary is that it is late (post-Ibn ‘Abidin) and thus incorporates much of the refinement and tarjih of the later period. It is also very clear and easy to read.

### **Al-Mukhtar by al-Mawsuli (d.683) with the commentary Al-Ikhtiar**

This text is invariably studied with its commentary, **Al-Ikhtiyar li Ta’lil Al-Mukhtar**, by the same author. The commentary was the high school text for Hanafis at al-Azhar schools during the 20th Century. It mentions the differences between Abu Hanifah and his three major disciples Abu Yusuf, Muhammad al-Shaybani, and al-Zufar, as well as Imam al-Shafi’i. It

also mentions the reasoning and evidence behind the chosen position. Some consider it to be somewhat of an abridgment of al-Hidayah.

### **Multaqa al-Abhur by Ibrahim al-Halabi (d.956)**

This very useful text combines the masa'il (legal issues) of the four most reliable texts according to the later scholars:

- **Mukhtasar al-Quduri**,
- **Al-Mukhtar** by al-Mawsuli,
- **Kanz al-Daqa'iq** by al-Nasafi (d.710), and
- **Al-Wiqayah** by Burhan al-Shari'ah (d.673). As such, it suffices instead of separately studying the latter two, even with their respected commentaries.

It also uses very clear language and points to the relied-upon position, and thus is usually studied without commentary, though teachers and students may want to refer to the commentaries of al-Haskafi and Shaykh Zada. Multaqa al-Abhur was extremely popular in Ottoman times and is the most numerous fiqh text (of all the schools) in manuscript.

### **Al-Hidayah by al-Marghinani (d.593)**

This is perhaps the most famous Hanafi text, and for good reason. It mentions evidence and differences with others, especially the Shafi'is.

It must be studied with **Fath al-Qadir**, the commentary of Ibn al-Humam (d.861). One should also be careful to source-reference the hadiths with the takhrij works of Ibn Hajar and al-Zayla'i. One should also be careful with the transmissions from al-Shafi'i, as sometimes these are inaccurate.



Nevertheless, both text and commentary train one in becoming a faqih in a way in which most texts are incapable.

**Radd al-Muhtar by Ibn ‘Abidin (d. 1252)**

Popularly known as Hashiyat Ibn ‘Abidin among Arabs and Shami in India, this gloss on al-Haskafi’s al-Durr al-Mukhtar (itself a commentary on Tanwir al-Absar) is still taught cover to cover in Syria (or at least was when I was last there in 2007). It is an encyclopaedia of Hanafi fiqh, of which no Hanafi can do without.

**Bada’i al-Sana’i by al-Kasani (d.587)**

This is a wonderful text that is very clear, with evidence and differences and has less quyud than many later texts. It is often referenced by non-Hanafis, who hold it in high regard.

**I’la al-Sunan by Dhafar Ahmad al-Uthmani al-Thanawi**

This monumental contemporary work is a commentary on just over 6,000 narrations which form the basis of Hanafi fiqh. It also includes the Hanafi approach to ‘ulum al-hadith and Usul al-fiqh.

## CHAPTER 3



### **How to Study Shafi'i Madhab**

The following is a detailed guide to the study of the Shafi'i madhab in order to gain mastery. Whilst this is an indication, one should nevertheless follow what one's teacher recommends.

#### **Curriculum Texts**

These works are to be studied from cover to cover with a qualified teacher. One might not study all, but the sequence here is in the typical order of study, with at least one text from each level covered.

They form the basis of one's training in the furu' after having studied the basic primary texts in ibadah (such as *al-Risalah al-Jam'iah*, *Safinat al-Naja*, *Mukhtasar al-Latif*, etc.)

The core texts are studied in class whereas the commentaries are usually referred to on occasion by the teacher and studied at home by the student. The purpose of studying these texts is to acquire familiarity with the masa'il and their locations within traditional texts so that, when needed, one can research an issue independently in the mu'tamad works.

#### **Elementary Level**

**Al-Masa'il al-Ta'lim (i.e. al-Muqadimat al-Hadramiyah) by Abd Allah Ba-Fadl**

This text is usually studied with its primary commentaries *al-Minhaj al-Qawim* (elementary) by Ibn Hajar and/or *Bushra al-Karim* (intermediate) by Ba-Ishn. This text is the basic work for studying masa'il al-ibadah in the school and is particularly popular in the Yemen and Syria. One should be deeply intimate with this text and perhaps even memorize its abridgment, *Mukhtasar al-Latif*. The text is based primarily on Imam al-Nawawi's works, making it very reliable, and it has a number of important commentaries and marginal glosses. The most extensive gloss is the seven-volume *Hashiyat al-Tarmasi* upon Ibn Hajar's commentary, mentioned above. Being relatively late, it suffices for the three glosses of Shaykh al-Kurdi, including *al-Harwashi al-Madaniyyah*. The best editions of the text and its commentaries are all by Dar al-Minhaj. Mustafa al-Bugha's commentary has the evidence for the masa'il and should be referenced throughout one's study of this text. The earlier Shafi'iyah paid a great deal of attention on linking masa'il to dala'il, and one must strive to do the same from an early stage after covering the basic masa'il in the primary texts. One should supplement its study with readings from *al-Taqrirat al-Sadidah* and *Fiqh al-'Ibadah* (see below).

**Al-Ghayat wa al-Taqrif (i.e. Matn Abi Shuja)**

Again, it's usually studied with commentary. This primer has attained a popularity among the muta'akhirin second only to *Minhaj al-Talibin*. Almost every Shafi'i student will study it or its commentaries at some point. What makes it a usual choice is that it is the only pre-tarjih al-Shaykhayn (al-Rafi'i and al-Nawawi) text in a typical curriculum. As such, there are a number of masa'il that are counter to the mu'tamad position of

the school. For whatever reason, sometime during the late-Mamluk/early-Ottoman period in Egypt (900s/1500s) it seems to have replaced al-Shirazi's *al-Tanbih* (which was the primary text among the mutaqqaddimin) as the first text studied that covers the entire fiqh spectrum. The more prominent commentaries include the elementary *Fath al-Qarib* by Ibn Qasim (with its advanced Hashiyat al-Bajuri and Qut al-Habib al-Gharib by Nawawi al-Jawi); the lower-intermediate Tuhfat al-Labib by Ibn Daqiq al-'Id; the lower-intermediate *al-Nihayah* (based on *Asna al-Mutalib* by al-Ansari as well as al-Khatib's *al-Iqna'*) by Wali al-Din al-Basir; the intermediate Kifayat al-Akhyar by al-Hisni; and the upper-intermediate al-Iqna' by al-Khatib (with its Hashiyat al-Bujayrimi). Usually, only *Fath al-Qarib* and *al-Iqna'* are ever fully studied. Mustafa al-Bugha has an edition of the text which mentions the evidence (these must be known to any aspiring student) and the best edition is that by Dar Ibn Hazm. My preferred approach is to skip the ibadah sections, as these are sufficiently covered in greater detail and reliability in *al-Masa'il al-Ta'lim*, and jump straight into Kitab al-buyu', referencing the commentaries above. The contemporary work to read alongside is Sharh al-Yaqt al-Nafis (see below).

Students who complete this stage should now have an elementary familiarity with the full spectrum of legal issues, where they are located in the books of the Shafi'iyyah, what their basic evidence are, and the basic nomenclature of fiqh in general, and the school in particular.

## **Intermediate Level**

### **Safwat al-Zubad by Ibn Raslan**

This is a blessed alfiyah (thousand-line poem) by Ibn Raslan which has attracted a number of valuable commentaries, chief of which perhaps is Fath al-Rahman by Shihab al-Ramli. Shams al-Ramli based his sharh, Ghayat al-Bayan, on that of his father and is the most popular commentary on *al-Zubad*. The other commentaries of note are Mawahib al-Samad by al-Fashni and Ifadah al-Sadah al-Umad by al-Ahdal. *Safwat al-Zubad* is only studied in order to be memorized, usually as one has an intermediate familiarity with the madhab, before commencing with the larger, more advanced works. The best edition is the pocket-sized version by Dar al-Minhaj of Jeddah. I recently was informed that Zaytuna College in California makes memorizing the ‘ibadah sections a requirement for graduation.

### **‘Umdat al-Salik by Ibn al-Naqib**

This is usually the first intermediate level text that addresses the whole spectrum of fiqh. It contains a lot of issues and much is implied within the text, thus expecting a degree of fiqh in the student. Scholars say that a sign of tawfiq from Allah is one’s studying this text and that the doors of fiqh are opened upon its completion and mastery. It is based mainly upon the works of al-Nawawi, al-Rafi’i, al-Shirazi, and al-Subki. An indication of the views of al-Rafi’i is given with the expression ‘wa qeela’ (and it is said...) One should continue to read and review this text throughout one’s life as it really does abridge much from the larger reference works. The best sharh by far is that of Alawi b. Saqqaf b. Muhammad al-Jifri (d.1273/1856), recently published (2011) and edited by Hasan al-Kaf of Madinah, author of *al-Taqrirat al-Sadidah*. It is packed full of hadith evidence and explains where Ibn Naqib went against the mu’tamad positions (eighty or so instances). It also summarises much of the later

works of the school. However, it is unfortunately incomplete after bab al-ghasab. The best complete sharh is Fath al-Wahhab al-Malik in 3 volumes by Taha Hamadi, an associate of Ribat Tarim in Hadramawt. It was completed in 2006 but published for the first time in 2014 in Kuwait. It is a massive improvement on all previous commentaries apart from al-Jifri's, which was unpublished at the time of its composition. These two commentaries suffice all others, though Mustafa al-Bugha's two volume sharh Tanwir al-Masalik is a good continuation from al-Jifri for hadith evidence. Other commentaries are Fayd al-Ilah by al-Barakati and *Anwar al-Masalik* by al-Ghamrawi, which is very nice and clear. The best edition is the Turkish edition. The best editions of '*Umdat al-Salik*' are those of Dar Ibn Hazm and Dar al-Minhaj. I advise supplementary readings from al-Fiqh al-Manhaji and al-*Fiqh* al-Shafi'i al-Muyasir whilst studying '*Umdat al-Salik*'.

### **Tuhfat al-Tullab bi Sharh Tahrir Tanqih al-Lubab by Shaykh al-Islam Zakariya al-Ansari**

This is a precious work with an excellent layout and manner of presentation. In Maydan in Damascus, they give particular importance to this work, which is one of the main intermediate level texts studied there. *Tuhfat al-Tullab* is one of the most popular texts ever in the madhab, attested by the vast amounts of manuscripts available throughout the Muslim world. The famous Hashiyat al-Sharqawi, who was the Shaykh al-Azhar who led the ulama's opposition to Napoleon's invasion of Egypt, is replete with beneficial points and is highly regarded by specialists. The best edition of *Tuhfat al-Tullab* is the one published by Dar al-Basha'ir al-Islamiya, edited by Qasim b. Muhammad al-Nuri and titled, '*al-Rawd al-Nadir*.' This edition combines *Tuhfat al-Tullab* with al-

‘Imriti’s versification and footnotes extracted from *Hashiyat al-Sharqawi*. It also includes excellent indices. A modern reworking titled *Lubb al-Lubab* by the Iranian Shafi’i Sultan al-‘Ulama is very useful to have for reference whilst studying the text.

### **Fath al-Mu’in**

This work is extremely popular in South East Asia and is also studied in Syria and Yemen. Its continued popularity is down to its being an abridgment of the works of Ibn Hajar al-Haytami and other muta’akhirin in addition to having a valuable hashiyah, *I’anat al-Talibin*, which draws much from the later hawashi literature. There are many points mentioned in this text which are not found except in much larger works. The best edition of *Fath al-Mu’in* is by Dar Ibn Hazm with valuable indices. The best edition of *I’anat al-Talibin* is by Dar al-Hadith in 4 volumes.

### **Advanced Level**

#### **Madkhal Literature**

These works allow one to have a general overview of the historical development of the madhab, its nomenclature, its scholars, and its major written works. One normally begins reading madkhal works once one has completed the intermediate level, after studying something at the level of *‘Umdat al-Salik*, and before *Minhaj al-Talibin*. These works should be reviewed often so that one gains a strong overview of the history and structure of the madhab.

- al-Nawawi (d.676) – *Muqadimah al-Majmu’*
- al-Nawawi – *Muqadimah al-Tanqih*

- Shams al-Ramli (d.1004/1596) – Sharh Muqadimah Minhaj al-Talibin (Nihayat al-Muhtaj)
- Muhammad b. Sulayman al-Kurdi (d.1194/1780) – al-Fawa'id al-Madaniyah
- Alawi b. Ahmad b. al-Saqqaf (d.1335/1916) – al-Fawa'id al-Makkiyah (and its Mukhtasar)
- Ahmad b. Mayqari b. al-Ahdal (d.1390/1970) – Sullam al-Muta'allim ila Ma'rifat al-Rumuz al-Minhaj
- Ahmad b. Abi Bakr b. Sumayt al-'Alawi al-Hadrami (1343/1924) – al-Idah fi Bayan Istilah al-Minhaj
- Muhammad Hasan Hitu – al-Ijtihad wa Tabaqat Mujtahidi al-Shafi'iyah
- Ali Jumu'ah – Imam al-Shafi'i wa Madrasatuh al-Fiqhiyah
- Akram al-Qawasimi – al-Madkhal ila Madhab al-Shafi'i
- Mahran al-Milibari – Risalat al-Tanbih
- 'Arafat al-Maqdi – Tabsirat al-Muhtaj
- Minhaj al-Talibin by al-Nawawi

The final work studied with a teacher is a magisterial summary of the views of al-Shafi'i and the Ashab al-Wujuh. The text is usually studied alone or with one of two commentaries based upon it: Fath al-Wahab by Shaykh al-Islam Zakariya al-Ansari, which is actually a commentary on Shaykh al-Islam's own abridgment, or Mughni al-Muhtaj by al-Khatib al-Shirbini. Al-Shirbini's commentary is popular due to its being a summary of previous commentaries as well as the clarity of his language. The famous commentaries, *Tuhfat al-Muhtaj* by Ibn Hajar and *Nihayat al-Muhtaj* by Shams al-Ramli are mainly used for reference (see the section on finding the mu'tamad below). They haven't been taught in full, cover-to-cover, for over a century due to their length and/or difficulty. *Tuhfat*



*al-Muhtaj* is especially difficult in its composition and has thus attracted a dozen hawashi upon it to explain its difficult passages. I personally refer to the mukhtasar that was published in Tarim. In South East Asia they prefer to study *Fath al-Wahab* (with the hashiyah of al-Jamal or al-Bujayrimi) and in the Middle East preference is given to *Mughni al-Muhtaj*. The best edition of *Minhaj al-Talibin* is by Dar al-Basha'ir al-Islamiyah in 3 volumes (with evidences) followed by Dar al-Minhaj in a single volume. The best edition of *Mughni al-Muhtaj* is by Dar al-Hadith in 6 volumes, though the binding quality is poor. The DKI edition of *Fath al-Wahab* is a type-up of the old Mustafa al-Babi al-Halabi edition. The 6 volume edition of *Nihayat al-Muhtaj* (without hawashi) recently published by DKI is actually quite decent. There is no decent edition of *Tuhfat al-Muhtaj* presently available. Whilst studying *Minhaj al-Talibin*, I recommended supplementary readings from *al-Mu'tamad* by al-Zuhayli (see below).

## **Mastery**

The first step to attaining mastery begins with a comprehensive independent study of al-Muhadhab by al-Shirazi with its commentaries al-Majmu' by al-Nawawi and al-Bayan by al-'Imrani. One should memorize al-Shirazi's text and the hadith which support it, just as al-Nawawi did. One should also write one's own commentary, including mentioning additional points brought by Shaykh al-Islam's circle. This stage should take about four years to complete, a year for each quarter, mirroring al-Shirazi's four-year course on the book at the Nizamiyyah in Baghdad.

Thereafter, one moves on to studying the family of works based on al-Ghazali's al-Wajiz. The first of which is al-Ardabili's al-Anwar li 'Amal

al-Abrar. Our dearly departed shaykh Wahba al-Zuhayli (may Allah have mercy on him) used to draw his followers' attention to this neglected, yet splendid, book. As the author states, it is reliable for both teaching and fatwa, as it compiles to contents of seven of the most reliable and highly-regarded books of the school at his time, namely (1) al-Rafi'i's *Sharh al-Kabir* (i.e. *Fath al-Aziz*) and (2) *Sharh al-Kabir* (both upon al-Ghazali's *al-Wajiz*); al-Nawawi's abridgement of *Fath al-Aziz*; (3) *Rawdat al-Talibin*; (4) *al-Muharrar* by al-Rafi'i; (5) *Sharh al-Lubab*; and (6) *al-Harwi* by al-Qazwini alongside its (7) *Ta'liq*. The author, while appreciative of these works, noticed that they do not include a number of important issues found in the earlier books of the Ashab al-Wujuh. Therefore, to the contents of the above, he added further material from al-Baghawi's (1) *al-Tahdhib*, Imam al-Haramayn al-Juwayni's (2) *Nihayat al-Matlab*, al-Ghazali's (3) *al-Wasit* and (4) *al-Basit*, al-Mutawalli's (5) *al-Tatammah*, al-Sabbagh's (6) *al-Shamil*, al-Mawardi's (7) *al-Harwi al-Kabir*, al-Mahamili's (8) *al-Majmu'* and (9) *al-Muqni'*, the *fatawa* of (10) al-Qaffal and (11) al-Qadi Husayn, (12) *Bahr al-Madhab* by al-Ruyani, al-Shashi's (13) *Hilya*, (14) *al-Murwadhab* by Abu Nasr al-Qushayri, al-Shirazi's (15) *al-Muhadhab*, (16) *al-Ibanah* by al-Furani, (17) *al-Tadhkirah* by al-Baydawi, and other major books of the school.

Whilst studying *al-Anwar*, review and research the relevant passages from:

- Fath al-Jawad by Ibn Hajar
- al-Gharar al-Bahiyah by Shaykh al-Islam Zakariya al-Ansari
- Asna al-Mutalib by Zakariya al-Ansari with Shihab al-Ramli's hashiyah
- Rawdat al-Talibin by al-Nawawi with al-Bulqini's hashiyah

The final stage of mastering the family of books around *al-Wajiz* is to cover *Fath al-Aziz* by al-Rafi'i with *Badr al-Munir* by Ibn al-Mulaqqin and *Talkhis al-Habir* by Ibn Hajar al-Asqalani for hadith referencing and judgment. One should exert one's self to memorizing the hadiths and judgments of Ibn al-Mulaqqin and Ibn Hajar. One could use *Fath al-Aziz* as one's base and then research each issue in all the other books in this stage. One could also use *Rawdat al-Talibin* as the base, and write one's commentary on it gleaned from reviewing the other texts in this family. This stage could take several years.

The third step to mastery is a study of Mukhtasar al-Muzani and the family of works based on it. This begins with (1) *al-Tahdhib* by al-Baghawi. Thereafter, a chapter-by-chapter comparative study of (2) *al-Hawi al-Kabir* by al-Mawardi, (3) *Nihayat al-Matlab* by al-Juwayni, (4) *al-Bahr* by al-Ruyani, and both (5) *Ma'rifat al-Sunan* and (6) *al-Sunan al-Kabir* by al-Bayhaqi. If you can find a photocopy of (7) *al-Shamil* (in manuscript) by al-Sabbagh, also add this to your study. Study all of these works simultaneously, looking into them all issue by issue, chapter by chapter, writing one's commentary on al-Muzani. This stage could take several years.

The final step is the study of *al-Umm* by Imam al-Shafi'i. This should be accompanied by the modern work, *al-Nazr* by Muhammad Hasan Abd al-Ghaffar. At this point, one could write a commentary that sums up the entirety of the previous stages. This stage could take several years.

The final stage would be to author an original work that is comprehensive in the madhab, including all the internal and external differences of opinion as well as their evidence. It should include tarjih of the opinions of

Shaykh al-Islam's circle and the hawashi of recent centuries. This would be the crowning achievement of the stage of mastery.

One who completes all these stages, which would take decades, would truly be a master of the madhab. May Allah grant us the tawfiq to reach this stage!

### **Contemporary Works**

These works are clearly written and presented in contemporary Arabic, whilst being based on some of the classical texts. They serve as excellent introductions to the study of the classical intermediate and advanced works of fiqh.

**Al-Fiqh al-Manhaji by al-Khinn, al-Bugha, and al-Sharbaji** is an excellent intermediate level work in 3 volumes based on Mughni al-Muhtaj with hadith evidence. It was published in 1979 and is immensely popular in Syria due to its clear language and presentation. It is intended for intermediate to high school level.

**Al-Taqirrat al-Sadidah by al-Kaf** is a masterful summary of the school based on Habib Zayn b. Sumayt's classes covering texts in the Hadrami curriculum.

**Fiqh al-Ibadah 'ala al-Madhab al-Shafi'i** by al-Aytah is a splendid upper-intermediate work summarising Shaykh 'Abd al-Karim al-Rifa'i's classes on texts in the Syrian curriculum.

**Sharh al-Yaqut al-Nafis** by al-Shatiri is particularly excellent in the mu'amalat sections and could serve as an adjunct to the previous two texts.

**Al-Fiqh al-Shafi'i al-Muyasir** by Wahba al-Zuhayli is an upper intermediate work in 2 volumes based on many authoritative hawashi works with evidence.

**Al-Mu'tamad fi Fiqh al-Shafi'i** by Muhammad al-Zuhayli is a modern masterpiece in the madhab, packed with thousands of hadith evidence in 5 volumes. It is intended for university-level study.

### **Fatawa Works**

All of the muta'akhirin are reliable sources of fatwa but the following are the most referenced due to their containing many modern issues not found elsewhere, making their utility particularly relevant:

### **Bughyat al-Mustarshidin**

This collection of relatively modern fatawa was collected by Habib Abd al-Rahman b. Muhammad al-Mashur (1250-1320/1902) of Tarim, consisting of fatawa from some of the most reputable fuqaha of the last couple of centuries:

- Abdullah b. Husayn Ba Faqih (1198-1296)
- Abdullah b. Umar b. Abi Bakr (1209-1265)
- Alawi b. Saqqaf b. Muhammad al-Jifri (d.1273)
- Muhammad b. Abi Bakr al-Ashkhar (945-991)
- Muhammad b. Sulayman al-Kurdi al-Madani (1127-1194)
- Umdat al-Mufti wa al-Mustafti

This is a collection by Muhammad b. Abd al-Rahman al-Ahdal (1277-1352) of the famous Ahdal family. It is arranged according to fiqh

chapters and contains many useful discussions and some modern issues rarely found elsewhere.

In addition to the above late works, the following Mamluk-era works are noteworthy:

- Fatawa Ibn al-Salah
- Fatawa al-Nawawi
- Fatawa Sultan al-Ulama al-'Izz b. 'Abd al-Salam
- Fatawa al-Subki
- al-Hawi li al-Fatawa li al-Suyuti
- al-Fatawa al-Fiqhiyah al-Kubra li Ibn Hajar
- Fatawa Siraj al-Din Umar al-Bulqini
- Fatawa Shihab al-Ramli

## **Biographies**

Studying the biographies of the major scholars of the school allows one to see the historical development of Islamic law as well as discovering valuable issues not found elsewhere, such as a particular scholar's unique views on certain issues:

- al-Shirazi – *Tabaqat al-Fuqaha'*
- Ibn al-Salah – *Tabaqat al-Fuqaha' al-Shafi'iyah*
- Ibn Kathir – *Tabaqat al-Shafi'iyin*
- Taj al-Subki – *Tabaqat al-Shafi'iyah al-Kubra*
- al-Isnawi – *Tabaqat al-Shafi'iyah*
- Ibn Qadi Shuhbah – *Tabaqat al-Shafi'iyah*
- Qadi Abi 'Asim al-'Abadi – *Tabaqat al-Fuqaha al-Shafi'iyah*
- Abd al-Wahhab al-Sha'rani – *Tabaqat al-Kubra*

- Muhammad Hasan Hitu – *al-Ijtihad wa Tabaqat Mujtahidi al-Shafi'iyah*

## Reference Texts

These works are typically consulted in order to find a solution to a particular problem.

For finding the mu'tamad (reliable view) in the madhab:

- al-Majmu' by al-Nawawi
- Rawdat al-Talibin by al-Nawawi
- Nihayat al-Muhtaj by Shams al-Ramli
- Mughni al-Muhtaj by Khatib al-Shirbini
- Tuhfat al-Muhtaj by Ibn Hajar
- Fath al-Wahab by Zakariyah al-Ansari
- al-Ghurur al-Bahiyah by Zakariyah al-Ansari
- Asna al-Mutalib by Zakariyah al-Ansari

For finding evidence and differences with other madhahib:

- al-Majmu' Sharh al-Muhadhab by al-Nawawi
- Ma'rifat al-Sunan by al-Bayhaqi
- Nihayat al-Matlab by al-Juwayni
- al-Hawi al-Kabir by al-Mawardi
- al-Tahdhib by al-Baghawi
- Ibn Hajar – Bulugh al-Maram
- Ibn Hajar – Talkhis al-Habir
- Ibn al-Mulaqqin – Badr al-Munir
- Ibn al-Mulaqqin – Tuhfat al-Muhtaj

Al-Majmu' is perhaps the best book in the Shafi'i madhab. It retains the spirit and letter of the law and all other works fail to match its appeal. It's the only fault is that it is incomplete as al-Nawawi died after finishing the first quarter and starting the second.

For finding different opinions within the Shafi'i madhab:

- Rawdat al-Talibin
- Asna al-Mutalib with Shihab al-Ramli's Hashiyah
- Nihayat al-Matlab
- al-Tahdhib lil-Baghawi
- al-Bayan Sharh al-Muhadhab
- Bahr al-Madhab lil-Ruyani
- Fath al-Aziz lil-Rafi'i
- For learning the views of Imam al-Shafi'i himself:
- Kitab al-Umm
- Mukhtasar al-Muzani
- Ma'rifat al-Sunan

## **Usul al-Fiqh**

**First Stage** (overview and general perception after acquiring an intermediate level in nahw, sarf, and balagha)

- al-Waraqat by al-Juwayni with Sharh al-Mahalli or Ibn al-Firkah (advanced)
- al-Khulasah by Muhammad Hasan Hitu
- al-Wajiz by Muhammad Hasan Hitu
- Usul al-Fiqh al-Islami by Wahba al-Zuhayli (introduces other schools' sources)



**Second Stage** (developing foundations of reasoning, inference, and deduction using the mutaqqaddim way)

- Al-Risalah by al-Shafi'i alongside the rasa'il in al-Umm (Jima' al-'Ilm, Ikhtilaf Malik, Ibtal al-Istihsan, etc.)
- Lubb al-Usul by Zakariyah al-Ansari (abridged from Jam' al-Jawami') with his sharh Ghayat al-Uusl
- al-Lum'a by al-Shirazi with its Sharh by the author or al-Tabsirah
- al-Faqih wa al-Mutafaqqih by Khatib al-Baghdadi
- Qawati' al-Adillah by al-Sam'ani

**Third Stage** (takhrij al-furu 'ala al-usul, i.e. practical derivation of furu' from usul)

- Al-Zanjani – Al-Takhrij
- Al-Isnawi – Al-Tamhid
- Fourth Stage (mastery of the mutakallim way)
- Raf' al-Hajib by Taj al-Din al-Subki
- Jam' al-Jawami' by Taj al-Din al-Subki with Sharh al-Mahalli (with Hashiyat al-Attar) or al-Zarkashi's brilliant sharh Tashnif al-Musami' or al-Suyuti's Nazm al-Kawkab al-Sati' (with al-Itiyubi's notes)
- Nihayat al-Sul by al-Isnawi (the best sharh on Minhaj al-Wasul by al-Baydawi)
- al-Mustasfa by al-Ghazali
- al-Burhan by al-Juwayni
- al-Mahsul by al-Razi
- al-Ihkam by al-Amidi
- al-Bahr al-Muhit by al-Zarkashi (a brilliant encyclopedia encompassing much of what preceded)

## **Al-Qawa'id al-Fiqhiyah**

- Legal maxims are crucial for developing one's taffa'uh:
- Abdullah b. Sa'id al-Lhji – IyDAH al-Qawa'id al-Fiqhiyah
- al-Ahdal – al-Fara'id al-Bahiyah
- Ibn Abd al-Salam – al-Qawa'id al-Ahkam li Islah al-Anam (a.k.a. al-Qawa'id al-Kubra)
- al-Suyuti – al-Ashbah wa al-Naza'ir
- Al-Maqasid al-Shari'ah
- Understanding the general objectives of Islam is essential:
- al-Ghazali – Jawahir al-Qur'an
- al-Qawa'id al-Kubra by al-'Izz b. 'Abd al-Salam

## **Consulting Scholars**

Establishing and maintaining professional ties with scholars is essential. They can be consulted on a wide range of topics and often clarify misunderstood concepts. In our age, we can also benefit from listening to recordings of classes by great scholars, as well as their writings. The following is just a choice selection of contemporary Shafi'i scholars (some recently deceased, may Allah have mercy on them).

- Sham (The Levant)
  - o Muhammad Hasan Hitu
  - o Mustafa al-Bugha
  - o Mustafa al-Khinn
  - o Muhammad Sa'id Ramadan al-Buti
  - o Muhammad Tawfiq Ramadan
  - o Rushdi al-Qalam
  - o Wahba al-Zuhayli

- Muhammad al-Zuhayli
- Akram al-Qawasimi
- Nuh Ali Salman al-Qudah
- Amjad Rashid
- Abdullah al-Harari
- Egypt
  - Abd al-Azim Muhammad al-Dib
  - Ali Jumu'ah
  - Muhammad al-Sadiq Qamhawi
  - Abd al-Hamid al-Sayyid abd al-Hamid
  - Amr al-Wardani
  - Salim b. Khatib
  - Ahmad al-Hajjajn
  - Hisham al-Kamil
  - Muhammad Husayn Isa
  - Dr Atiyah Abd al-Mawjud
- Hijaz
  - Habib Zayn b. Ibrahim al-Sumayt
  - Habib Umar al-Jilani
  - Muhammad al-Amin al-Harari
  - Hasan b. Ahmad al-Kaf
  - Muhammad b. Ahmad al-Kaf
  - Muhammad b. Umar al-Kaf
  - Muhammad Isma'il al-Zayn
  - Hamid b. Alawi al-Kaf
- Hadramawt
  - Muhammad Ali al-Khatib
  - Habib Salim b. Abdullah b. 'Umar al-Shatiri

- Habib Ali al-Mashur b. Muhammad b. Salim b. Hafiz
- Habib ‘Umar al-Khatib
- Iran/Iraq
  - Abdullah b. Hasan al-Kuhaji
  - Ahmad al-Kubaysi (currently residing in the Emirates)
- Qatar
  - uhyi al-Din al-Qaradaghi
- The West
  - Taha Karan
  - Muhammad al-Afifi al-Akiti
  - Tahir Jabir al-Alwani

CHAPTER 4



## **How to Study Hanbali Madhab**

### **Development of Hanbali Madhab:**

After the death of Imam Ahmad, his students traveled across the Muslim world along with the responses (Masa'il) of Ahmad concerning theology, jurisprudence, and traditions. From the foremost of his students are: his two sons, Salih and Abdullah, Hanbal ibn Ishaq, al-Marrudhi, al-Kawsaj, Ibn Hani, Abu Dawud (compiler of Sunan Abi Dawud), al-Athram, Abu Zur'ah al-Razi, Abu Hatim al-Razi, 'Abdul-Wahhab al-Warraaq, al-Tirmidhi and many others.

However, it was not until al-Khallal traveled the Muslim world, collecting the responses of Imam Ahmad from his students scattered across the Khilafa, that the Madhab of Imam Ahmad was compiled in an organized form. This vast compilation became known as al-Jami', which is still used in the 8th Islamic century by Ibn Taymiyah and his contemporary Hanbali jurists.

This collection was then summarised into a short treatise on the Fiqh of Imam Ahmad by the Baghdadi-Hanbali jurist al-Khiraqi, which became

known as Mukhtasar al-Khiraqi. This treatise was the first Fiqh manual ever written in the Madhab, and its first-ever commentary was also written by its very author, thus, making al-Khiraqi the first author of a Fiqh manual in the Madhab, the first one to write a commentary on a manual, and indeed the first Hanbali to comment on his own manual.

The summarised treatise on Fiqh by al-Khiraqi proved to be the most important contribution to Hanbali Fiqh, with over 300 commentaries, according to Yusuf b. 'Abd al-Hadi, which even today remains an excellent introductory manual to the Hanbali school of jurisprudence. The famous commentaries to al-Mukhtasari include, but are not restricted to: a commentary by Ibn Hamid, then al-Qadhi Abu Ya'la, then Ibn Qudama al-Maqdisi, whose commentary, famously known as al-Mughni, is considered to be a timeless masterpiece.

### **The spread of Hanbali Madhab:**

The roots of the Hanbali Madhhab naturally lie in Baghdad, the home of Imam Ahmad, then it spread to other lands, but not as much as the other major madhhabs. Ibn Khaldun states about the followers of Imam Ahmed that "they are the most prolific of people in respect to preserving the Sunnah and narration of Hadith." [Al-Muqaddima, p. 448].

This madhab faced a lot of tough times in the early centuries. Imam Suyuti states:

*"They are very few in number in Egypt. I have not heard of their presence there except in the 7th Century and afterward. This is because Imam Ahmad, may Allah be pleased with him, lived in the 3rd Century, and his madhhab only spread outside 'Iraq in the 4th Century. It is in*

*this century that the Ubaydis came to power in Egypt, and they eliminated all those present there of the Imams of the other three madhhabs by killing, exile, and displacement. They established the madhhab of Rafd and the Shi'ah, and they were not eliminated from there until the last part of the 6th Century. That is when the Imams from the other madhhabs returned to Egypt, and the first Hanbali Imam I know of to take up residence in Egypt was al-Hafiz 'Abd al-Ghani al-Maqdisi the author of 'Umdat [al-Ahkam]." [Al-Madhahib wa Intisharuha, p. 82]*

*It then spread further at the time of al-Qadi 'Abdullah b. Muhammad b. 'Abd al-Malik al-Hajjarwi who became the Hanbali Qadi al-Qudah of Egypt in the year 738 AH. Al-Maqdisi states that the Hanbali Madhhab was present in the 4th Century in Basra, in the provinces of al-Daylam [modern Gilan] and al-Rahab, in Suways in the province of Khuzestan, and in Baghdad, the dominant groups were the Hanbalis and the Shi'ah. [Ibid., p. 83]*

The followers of the Hanbali Madhhab amongst laymen have been few throughout history to the extent that they did not constitute the majority of dwellers of any region through most of history except in Najd and then later in much of the Arabian Peninsula as a result of the movement of Imam Muhammad b. 'Abd al-Wahhab.

The Hanbali Madhhab also had a considerable historical presence in al-Sham. Majd al-Din al-'Ulaymi, in his al-Manhaj al-Ahmad, has provided a list of the most famous Hanbali scholars of Palestine from the 6th Century until the 9th Century.

## **Reasons for the Madhhab's Lack of Prevalence in Comparison to Other Madhhabs**

There are a number of reasons for the Madhhab's lack of prevalence, amongst them:

- The Hanbali Madhhab was established later and the other three madhhabs were already more established in many lands. In Iraq, the madhhab of Imam Abu Hanifah was predominant, in Egypt the Shafi'i and Maliki madhhabs, and in al-Maghrib and al-Andalus the Maliki madhhab.
- There were few Hanbali Qadis, and Qadis were instrumental in promoting their respective madhhabs. Imam Abu Yusuf and Imam Muhammad b. al-Hasan, may Allah have mercy on them, were instrumental in promoting the madhhab of Imam Abu Hanifah. After this initial period of Hanafi domination of the judiciary in 'Abbasid lands, the Shafi'i Madhhab played a prominent role in the judiciary as well. As for the Maliki madhhab, Imam Asad b. al-Furat was instrumental in promoting it in al-Maghrib. In al-Andalus, the Umayyad state also worked to promote the Maliki madhhab. The Hanbali madhhab did not receive such preference except in the Arabian Peninsula in recent times.
- The Hanbali Madhhab has spread considerably in the modern age as Saudi universities and scholars (amongst others) have done considerable work in editing and publishing important Hanbali works and teaching the Hanbali madhhab. Because of this new wave of writing about and teaching the Hanbali madhhab, the present era can be considered a period of its revival.



## Notable Hanbali Scholars:

1. **Abu Dawood** (d. 275 A.H.) - Famous compiler of Sunan Abu Dawood
2. **Al-Hasan ibn 'Ali al-Barbahari** (d. 329 A.H.) - An Iraqi traditionist and a jurist, author of the book Sharh al-Sunnah.
3. **Al-Khallal** (d. 311) – A student of some of the closest companions and students of Imam Ahmad. He is remembered and honored for collecting the responses of Imam Ahmad from his students, who were scattered across the Muslim world.
4. **Al-Khiraqi** (d. 334) – (who summarised Jami' al-Khallal into a Fiqh manual, the mother of all Fiqh manuals in the Madhab)
5. **Ghulam al-Khallal** (d. 363) – A servant and a devout student of al-Khallal, and author of many works in various sciences. It is reported that, days before his death, in his illness, he said to his companions: I am with you until this Friday. Upon being asked why, he said: al-Khallal informed me from Abu Bakr al-Marrudhi that Ahmad lived until he was 78 and died on Friday. Abu Bakr al-Marrudhi lived until he was 78 and died on Friday. Al-Khallal lived until he was 78 and died on Friday. On Friday, Ghulam al-Khallal breathed his last when he was 78.
6. **Ibn Battah al-Ukbari** (d. 387 A.H.) - An Iraqi theologian and jurisconsult, author of the book Al-Ibaanah.
7. **Ibn Hamid** (d. 403) – He was a leading authority on the Hanbali school in his time, and known for his frequent performance of Hajj, such that he died on his way back from Makkah. He is regarded to be the last of the early class (Tabaqa) of the Hanbalis.
8. **Al-Qadhi Abu Ya'la** (d. 458) – He was born to a Hanafi family, but became a Hanbali after studying under Ibn Hamid. He became

the leading authority on the school after Ibn Hamid, who is remembered for spreading the Madhab far and wide. His Hadith assemblies were very popular and attended by thousands of Traditionists, where he would sit on the chair of ‘Abdullah b. Ahmad b. Hanbal and narrate Hadith.

9. **Abu Isma’il al-Harawi** (d. 481) – A celebrated Hanbali jurist and a theologian, known for his awe-inspiring personality, and ardent enmity towards the Ash’arites. He was one of the great Sufi figures in the history, who authored *Manazil al-Sa’irin* – a manual in Tasawwuf – which was later expounded by Ibn al-Qayyim in *Madarij al-Salikin*.
10. **Abul-Wafa ‘Ali ibn ‘Aqil** (d. 488) – One of the most intelligent jurists the Hanbalis ever had within their ranks. He was, in his youth, influenced by the Mu’tazlites and showed admiration for al-Hallaj (a pantheist who pretended to be a Muslim), but soon repented and wrote various rebuttals against the Mu’tazlites and the Ash’arites. Ibn al-Jawzi relates that Ibn ‘Aqil once said: I say with utmost certainty that the Companions died having no knowledge of the atoms (Jawhar) or accidents (‘Aradh). Hence, if you feel that you should be like them, then be! But, if you think that the way of the Doctors of Kalam is better than the way of Abu Bakr and ‘Umar, then how evil is what you think! He left behind many works, amongst them voluminous *al-Funun*, of which only a small portion is found today.
11. **Abu al-Khattab** (d. 510) – A devout student of al-Qadhi Abu Ya’la, and author of many works in the Madhab, the most important of them: *al-Intisar* authored as a defense to various Hanbali juristic opinions in comparison to other schools. His

students included many prominent Hanbali figures, such as ‘Abd al-Qadir al-Jailani.

12. **Awn ad-Din ibn Hubayra** (d. 560 A.H.)
13. **‘Abdul-Qadir al-Jailani** (d. 561) A Hanbali theologian, great preacher and, perhaps the most influential Sufi figure who founded the Qadiriyyah way (Tariqa). Although, his life is regarded as a chain of miracles, so much has been claimed about his ‘sainthood’ by his passionate Sufi followers that very little of his biographical accounts can be verified. The only book one can attribute to al-Jailani with a level of surety is al-Ghunya, in which he spells out his strict adherence to the Hanbali dogma and Law.
14. **Ibn al-Jawzi** (d. 597) A famous jurist, exegete, critic, preacher and a prolific author, with works on all subjects. He began his preaching career at a very young age and gained popularity amongst the masses. Although he never met Ibn ‘Aqil, he did receive a fair amount of tutelage from his books, which left him perplexed about the orthodox doctrine of the Hanbali school; as reflected in his theological opinions that are often contradictory, and at times leaning towards allegorical exegesis (ta’wil) conflicting with the mainstream Hanbali position. His works in theology, thereafter, were criticised by the mainstream theologians of the Madhab, such as Ibn Qudama.
15. **Hammad al-Harrani** (d. 598A.H.) – A jurist, critic, and preacher who lived in Alexandria under the reign of Salahuddin.
16. **Abd al-Ghani al-Maqdisi** (d. 600 A.H.) – A prominent hadith master from Damascus and the nephew of Ibn Qudamah.
17. **Ibn Qudama al-Maqdisi** (d. 620) One of the major Hanbali authorities and the author of the profound and voluminous book

on Law, al-Mughni, which became popular amongst researchers from all juristic backgrounds. He was also an authority on Hanbali doctrine and a passionate opponent of the Ash'arites, but that did not prevent him from joining the military campaign of Salah al-Din al-Ayyubi, who was an Ash'ari, against the Crusaders in Palestine.

18. **Diya al-Din al-Maqdisi** (d. 643 A.H.)
19. **Majd al-Din Ibn Taymiyah** (d. 653) A great jurist, traditionist, grammarian and exegete of Harran. He was the grandfather of the celebrated Sheikh al-Islam Taqi al-Din Ibn Taymiyah. The well-known grammarian and the author of *Alfiya*, Ibn Malik would hold al-Majd in high regard. He also enjoyed an esteemed position in the Hanbali school, as the term 'The Two Sheikhs' (Sheikhan) would only refer to him and Ibn Qudama.
20. **Taqi al-Din Ibn Taymiyah** (d. 728) – A legendary figure in the Islamic history, known by his friends and foes for his expertise in all Islamic sciences. Aside from being a celebrated scholar, he also gained much prominence due to his fearlessness, zealous activism, political and military campaigns in Damascus against the invading Tatar. Ibn Nasir al-Din al-Dimashqi in his book *al-Radd al-Wafir* mentions 87 scholars from all schools who referred to Ibn Taymiya as 'Sheikh al-Islam', a prestigious title given only to jurists and traditionists whose verdicts reached a high level of fame and acceptance. His fame also earned him many envious enemies who continued to conspire against him, until he was imprisoned in the citadel of Damascus and died therein. His funeral was attended by a mammoth number of inhabitants of Damascus, while the funeral prayer in absentia was prayed over

him throughout the Islamic world. He is remembered for his invaluable contributions, not only to the Hanbali school of jurisprudence and theology but also to the rich Islamic heritage. He also produced many students of high caliber. Names such as Ibn al-Qayyim, al-Dhahabi, and Ibn Kathir are but some of his virtues.

21. **Najm al-Din al-Tufi** (d. 716) – The author of several important works, such as the summarization of *Rawdat al-Nadhir* by Ibn Qudama, also known as *al-Bulbul*, widely taught until today. In spite of being a Hanbali in Fiqh, he would often refer to himself as an Ash'arite and extreme Shi'ite. He was chastised in public and imprisoned several times for his unorthodox views. Although, his repentance is reported; however, Ibn Rajab doubted the sincerity of his repentance.
22. **Ahmad ibn 'Abdul-Hadi** (d. 744) – A devout and close student of Ibn Taymiyah and an expert traditionist. He wrote at length the legendary accounts of his beloved teacher Ibn Taymiyah. He is also the author of *al-Sarim al-Munki fi al-Radd 'Ala al-Subki*, a violent rebuttal of al-Subki's attempt to justify taking long journeys for the visitation of the Prophet's grave. Unfortunately, he died before completing this book at the age of forty.
23. **Shams al-Din b. Muflih** (d. 763) – One of the leading authorities in Hanbali Law who received his tutelage amongst several prominent Hanbali figures, including Ibn Taymiyah. He gave particular attention to the juristic preferences of Ibn Taymiyah, and included them in his voluminous and renowned masterpiece on Hanbali jurisprudence known as *al-Furu'*.

24. **Ibn Qayyim al-Jawziya** (d. 751) – The closest companion and a student of Ibn Taymiyah who shared with him the moments of ease and hardship, until the latter's death in the citadel. His works in various Islamic sciences earned him much acceptance and fame. Some of his important works include *Zaad al-Ma'ad* in Seerah and Fiqh, *Flam al-Muwaqqi'in* in Usul al-Fiqh, and *al-Kafiyah fil-Intisar Lil-Firqat al-Najiyah*, an ode rhyming in the letter Nun on Hanbali theology, which is taught and studied in Hanbali schools until today.
25. **Ahmad b. Qadhi al-Jabal** (d. 771) – A chief judge and a devout student of Ibn Taymiyah. He is regarded to be the leading Hanbali poet of his time.
26. **Ibn Rajab al-Hanbali** (d. 795) – A prominent jurist, traditionist, ascetic and preacher, who authored several important works, largely commenting upon famous collections of traditions, such as *al-Tirmidhi*, *al-Bukhari* and the *Forty Hadith* of *al-Nawawi*. His teachers include Ibn al-Qayyim, under whom he learned his famous Hanbali ode *al-Kafiyah*.
27. **'Ala al-Din Al-Mardawi** (d. 885) – A chief judge and one of the foremost specialists in the Madhab amongst the latter Hanbali generations. He is the author of *al-Insaf*, a rich commentary on *al-Muqni'* of Ibn Qudama, where he lists the variance of opinion, then declares the correct position in the school.
28. **Sharaf al-Din Al-Hajjawi** (d. 968) A distinguished figure amongst the latter Damascan Hanbali scholars, and the author of two important manuals that were to remain the basis for verdicts amongst the Hanbalis until today: *Zad al-Mustaqni'*, a summarization of *al-Muqni'*; and *al-Iqna'*.

29. **Ibn al-Najjar al-Futuhi** (d. 980) – A notable Egyptian Hanbali authority and the author of *Muntaha al-Iradat*, which were to become another widely accepted manual amongst the latter Hanbalis, along with *al-Iqna'*.
30. **Mar'i b. Yusuf al-Karmi** (d. 1033) – A Palestinian born scholar who resided in Egypt and wrote extensively on various sciences. He is particularly remembered for making two important contributions to Hanbali Fiqh: i) *Ghayat al-Muntaha*, which came as a merger between the two relied-upon manuals, *al-Iqna'* and *Muntaha al-Iradat*; and ii) *Dalil al-Talib*, a summarization of *Muntaha al-Iradat*. This manual received various commentaries, the most famous of which is *Manar al-Sabil*, by Ibn Dhuwayan.
31. **Mansur b. Yunus al-Buhuti** (d. 1051) An Egyptian jurist of great stature, held in much respect for his invaluable contribution to the Hanbali school. His works mostly comprise of commentaries on various manuals, such as *al-Rawdh al-Murbi'*, a commentary on *Zad*; *Kashaf al-Qina'*, a commentary on *al-Iqna'*; and a commentary on *Muntaha al-Iradat*. He became the center of learning for the Hanbalis from Jerusalem, the Greater Syria and Najd.
32. **'Abd al-Baqi al-Hanbali al-Ba'li** (d.1071) – A jurist and a traditionist who received his tutelage from al-Azhar. He assumed the position of *Ifta* for the Hanbalis in Jerusalem, and dedicated his life to learning and teaching various sciences.
33. **Ibn al-'Imad** (d. 1089) – A Syrian-Hanbali scholar and the author of a large biographical history, known as *Shadharat al-dhahab fi Akhbar man dhahab*, covering the Hijra years one to 1000.

34. **Abu al-Mawahib al-Hanbali** (d. 1126) – A Damascan Hanbali traditionist and a leading reciter of the Quran, who wrote extensively on various topics. Due to his known piety, he would often be asked to lead the prayer for rain (Salat al-Istisqa’), as occurred in the year 1108 when Damascus was hit by a drought. Abu al-Mawahib then led the masses in prayer, beseeching Allah for rain, and his prayer was instantly answered.
35. **Muhammad Al-Saffarini** (d. 1188) – A traditionist and jurist and a profound writer on various issues. He is most commonly famous for his poetic treatise on Hanbali theology called: al-Durrah al-Mudhiyah fi ‘Aqd al-Firqat al-Mardhiyah, which generally falls in line with the mainstream Hanbali dogma, bar few instances. However, in his commentary, known as Lawami’ al-Anwar al-Bahiyah, he often tends to contradict his poem, in agreement with the mainstream Hanbali doctrine. His poem, nevertheless, still remains popular amongst Hanbali students. Fatima bint Muhammad al-Hanbaliyah (d. 1247) – A famous female scholar of traditions, Fiqh, an ascetic and a popular preacher. She died in Makkah and was buried in al-Mu’lla graveyard.
36. **‘Abdullah Aba Butain** (d. 1282) – The Grand Mufti of the 13th Islamic century Najd, and an undisputable Hanbali authority on Fiqh, traditions, and theology. He was also a great admirer and defender of Ibn ‘Abd al-Wahhab.
37. **‘Uthman b. Bishr al-Najdi** (d. 1290) – A Najdi historian and a follower of Ibn ‘Abd al-Wahhab, known for his work on history: Unwan al-Majd fi Tarikh Najd.
38. **Muhammad b. Humaid al-Najdi** (d. 1295) – A Hanbali jurist, traditionist, historian, and an ardent enemy of Ibn ‘Abd al-



Wahhab's followers, in spite of being a student of Aba Butain and a great admirer of Ibn Taymiyah and Ibn al-Qayyim. He is the author of *al-Suhub al-Wabila 'ala Dhara'ih al-Hanabilah*, which is a continuation of *Dhail Tabaqat al-Hanabila* of Ibn Rajab.

39. **Hamad b. 'Atiq** (d. 1301) – A jurist and a judge in al-Kharaj, and then al-Aflaj, and an author of several works in theology and Fiqh.
40. **Ahmad b. 'Isa al-Najdi** (d. 1329) – A jurist, traditionist, theologian, a student of Aba Butain and a passionate follower and a propagandist of Ibn 'Abd al-Wahhab's revivalist movement. He would travel to Makkah, the center of the Islamic world, and would often discuss theology with various scholars of the Muslim world. He managed to earn great respect from the Sharif of Makkah, who, at his encouragement, demolished all the domed-tombs in al-Mu'alla graveyard. His invaluable contributions include his two-volume commentary on al-Nuniyah of Ibn al-Qayyim in theology.
41. **'Abd al-Qadir b. Badran** (d. 1346) – A Damascan scholar in Fiqh, Usul al-Fiqh, theology, grammar, and a great enthusiast for Ibn 'Abd al-Wahhab's movement. He was initially a Shafi'i, and later, after much research and investigation decided to be a Hanbali. His invaluable contributions to the Madhab include: *al-Madkhal ila Madhab al-Imam Ahmad*, an all-round introduction to the Madhab; a commentary on Ibn al-Qayyim's *al-Nuniyah*; a commentary on a Hanbali manual on Usul, *Rawdhat al-Nadhir* by Ibn Qudama, and many other works.
42. **Abu Bakr Khuqir** (d. 1349) – A prominent Hanbali scholar of Makkah, and a student of Ahmad b. 'Isa. He was an outspoken

propagandist of Ibn ‘Abd al-Wahhab’s movement, due to which he was imprisoned along with his sons, while the eldest of them died in prison. He was eventually released upon ‘Abd al-‘Aziz b. Su’ud’s conquest of Makkah, where he was, thereafter, appointed as a Mufti for Hanbalis. His contributions mainly comprised of works and rebuttals on theological issues.

43. **Ibrahim al-Duwaiyan** (d. 1353) – A jurist, traditionist, genealogist and a judge in Qasim, most notably known for his commentary on Dalil al-Talib, called Manar al-Sabil.
44. **‘Abd al-Rahman b. Nasir al-Saadi** (d. 1376) – A prominent jurist, exegete, grammarian with a great interest in poetry. He contributed many works in different subjects, the most of celebrated of them: Taysir al-Karim al-Mannan in exegesis; Manhaj al-Salikin a primer in Fiqh. His students include Muhammad b. Salih al-‘Uthaimin and ‘Abdullah b. ‘Aqil.
45. **Muhammad b. Ibrahim** (d. 1389) – The Grand Mufti of Saudi Arabia, and a prominent Hanbali jurist. He played a leading role in the development of some important legal and educational institutes. His students include: Ibn Baz, Muhammad b. Abd al-Rahman al-Qasim and ‘Abd Allah b. Jibrin.
46. **‘Abd al-Rahman b. Qasim** (d. 1392) A prominent jurist, traditionist and a theologian, who is particularly esteemed for the most valued contribution to the Islamic heritage in this age, a 35-volume Majmu’ al-Fatawa of Ibn Taymiyah. His seven-volume commentary on al-Rawdh al-Murbi’ has also become considerably popular amongst the latter Hanbalis.
47. **‘Abd al-‘Aziz b. Baz** (d. 1420) – The Grand Mufti of Saudi Arabia after his teacher, Muhammad b. Ibrahim, and a leading figure in

the Islamic Da'wah. He was a Mujtahid in Hanbali Madhab and was referred to by some as the leading authority on orthodox Islam (Imam Ahl al-Sunnah).

48. **Muhammad b. Salih al-Uthaimin** (d. 1421) – A leading jurist, grammarian, linguist, and a popular preacher. A close and devout student of 'Abd al-Rahman al-Saadi, and a commentator on *Zad al-Mustaqni'*; his commentary is known as *al-Sharh al-Mumti'*. His students include Ahmad al-Qadhi, Khalid al-Muslih, Khalid al-Mushayqih, and many others.
49. **'Abdullah b. 'Aqil** – A jurist and formerly chief justice in Saudi Arabia. One of the closest students of 'Abd al-Rahman al-Saadi, who is known today as Sheikh al-Hanabilah. His close students include: Dr. al-Shibl, Haitham al-Haddad, and Anas b. 'Aqil, his grandson.
50. **Bakr b. 'Abd Allah Abu Zaid** – A jurist, traditionist, linguist and a profound author of many works. His important contributions to the Hanbali Madhab include *al-Madkhal al-Mufassal ila Fiqh al-Imam Ahmad b. Hanbal*, a two-volume in-depth introduction to the Madhab, which serves today as one of the main reference work on the school.
51. **Abdullah Ibn Jibreel** – A leading scholar of Saudi Arabia and was a former member of the Permanent Committee for Islamic Research and Fataawa in Saudi Arabia.
52. **Saleh Al-Fawzan** – A well-known scholar in Saudi Arabia and prolific author. He is currently a member of the Permanent Committee.

53. **Abdul Rahman Al-Sudais** – The leading imam and khateeb of the Grand mosque chief of the presidency of Haramain Committee, Saudi Arabia.
54. **Saud Al-Shuraim** – The Imam and khateeb of the Grand Mosque Mecca and a professor of Islamic law at Umm al-Qura University.

### **Important Texts for study Hanbali Madhab:**

For each madhab, various texts can be found for the beginner, intermediate and advanced levels. Following is an overview of various books that the learners at different levels can use for studying Hanbali fiqh.

### **Important books of Fiqh by Imam Ibn Qudamah**

For the serious mutafaqqih or “student of fiqh,” Ibn Qudamah (d.620H/1223CE), one of the most highly celebrated jurists in the Hanbali madhhab, penned a series of fiqh texts which would take the seeker from a beginner level to an intermediate one, and finally to becoming an accomplished jurist or faqih.

Imam Ibn Qudamah wrote various books on Fiqh to suit the needs of these three levels of learners. His book Al-Umdah is a brief summary of rulings for beginners, whereas, his book Al-Mughni is a comprehensive manual of Hanbali Fiqh.

#### **Al-‘Umdah**

The first text is a primer in Hanbali law, and is aptly called al-‘Umdah: “The Reliance”. It gives the relied upon (mu‘tamad) rulings of the school, containing minimum proofs.

### **Al-Muqni**

Next is al-Muqni: “The Satisfier” which introduces two or more views of the school on any one given issue or mas’alah.

### **Al-Kafi**

The third manual is al-Kafi: “The Sufficer”. It is just above an intermediate level, again relating only the relied upon position, but this time with copious proofs for each issue in preparation for the task of ijihad and how each ruling relates to the proof-texts. In some issues, more than one opinion is related.

### **Al-Mughni**

The last work is the highly-advanced, magisterial al-Mughni: “The Enricher”. It builds on the previous texts by relating the positions of the mujtahid imams of other schools: discussing their differences and proof-texts; their juristic merits, rationales, strengths and weaknesses; and then concluding with his own preferred view. In most issues, his conclusions agree with the Hanbali madhhab; in some instances, they do not.

### **Caution to those who engage in the study of comparative fiqh without being grounded in one particular madhab**

The above is an example of the gradual, step-by-step method orthodox scholarship has always adhered to; a method which produced as its fair fruits the great jurists of Sunni Islam. As for gaining fiqh by way of fiqh al-maqarin, “comparative law,” without first being grounded in any one madhhab, this would be laughable if it were not so reckless and dangerous.

## Contemporary approaches towards studying Hanbali fiqh

Ibn Qudamah al-Maqdisi wrote the above books in the seventh century. The Hanbali madhhab, like other law schools, continued to develop since then. Texts and manuals penned by later jurist-authors have tended to be the ones taught, studied and used for fatwas in centuries after.

Ibn Badran (d.1346H/1927CE), one of the last great Hanbali scholars of the previous century, advises the following course of study for learning the madhhab:

Commence [**beginner level**] with:

- Ibn Balban's primer,
- Akhsar al-Mukhtasarat, OR
- Al-Buhuti's 'Umdat al-Talib.

Then progress to:

- Ibn Qudamah's al-'Umdah; if unavailable, then
- Mar'i b. Yusuf al-Karmi's Dalil al-Talib.

Following this **intermediary level**, al-Buhuti's Rawd al-Murbi' should be studied.

The **final level** of progression, al-Bahuti's Sharh Muntaha al-Iradat is engaged with.

## Following up the study of fiqh with the study of Usool Al-Fiqh

He further writes that, upon completion of the first two levels, one studies a primer in Islamic legal theory (Usul al-fiqh).

The text he recommends is al-Juwayni's Waraqat. And that while studying Sharh al-Muntaha at the final level, Ibn Qudamah's Rawdat al-Nazir in legal theory is also studied.<sup>1</sup>

### **Authentic and learned teacher – A centerpiece of Islamic curriculum**

Of course, this is not the only Hanbali curriculum that can or should be followed. Instead, what is important is that one is guided by a qualified teacher in this matter and that a step-by-step curriculum actually adheres too (man dakhala fi talab al-'ilm bila shaykh kharaja bila 'ilm – 'Whoever seeks knowledge without a teacher, will leave without knowledge'). This has been the tried, tested and fruitful way down through the centuries. In stark contrast, the do-it-yourself method has resulted in little more than religious anarchy, mayhem and chaos. Things, in this sense, need not be fixed if they aren't broken.

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1. Ibn Badran, al-Madkhal ila Madhhab al-Imam Ahmad b. Hanbal (Beirut: Mu'assasah al-Risalah, 1981), 487-89.

## CHAPTER 5



### **How to Study Maliki Madhab**

The collection and codification of Islamic law has historically been one of the most important and challenging, tasks that the Muslim community has undertaken in 1400 years of history. To be considered a faqih (an expert in Islamic law – fiqh), one must have mastery of the Quran, the sayings of Prophet Muhammad ﷺ, other sources of law, as well as other subjects such as grammar and history. One of the giants of Islamic law was the 8th-century scholar of Madinah, Malik ibn Anas. At a time when the Muslim community desperately needed the sciences of fiqh and hadith (sayings and doings of Prophet Muhammad ﷺ) to be organized, Imam Malik rose to the occasion. His legacy is manifest in his continued influence throughout the Muslim world, both through his own works and the works of those he helped guide on a path of scholarship and devotion to Islam. This chapter will cover the madhab of Imam Malik.

#### **Ummahat:**

The following four books are considered to be the most primary sources of Maliki Fiqh (known as Ummahat). These are presented in accordance with their rank as a source of Imam Malik's statements.



## 1. The Mudawwana:

The Mudawwana by Imam Sahnun ibn Sa'id ibn Habib at-Tanukhi (d. 240AH) is the most respected of the books of the school and its basis. The compilation and revision process involved four mujtahid imams of the Maliki school: Asad ibn al Furat (d.213 AH); Al-Ashhab (d.204); Ibn al-Qasim (d.191 AH), and Sahnun himself. It is referred to as "al-Umm", or "the Mother", of the Maliki school. Sahnun's revision and transmission of the Mudawwana was the major factor in the spread of the Maliki school across the West of the Muslim world.

### Works on al-Mudawwanah:

- al-Lakhmi, Ali b. Muhammad al-Rabi'i al-Qayrawani (d. 478) – al-Tabsirah (ta'liqa)
- Ibn Yunus – al-Jami' (sharh)
- Ibn Rushd al-Jadd (d.520) – al-Muqadimat al-Mumahhidat (a sharh)
- Al-Baradhi'i – al-Tahdhib (mukhtasar)

### Al-Mudawwanah as a compass to find the mashur in the Maliki School

This is a simplified generalization. Nevertheless, it highlights the importance of al-Mudawwanah, which takes precedence over the various transmissions of al-Muwatta'.

1. Ibn al-Qasim<sup>1</sup>'s narrations from Malik in al-Mudawwanah
2. Others' narrations from Malik in the Mudawwanah

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<sup>1</sup> Ibn Al Qasim (d. 191 AH) referred here is the renowned Egyptian maliki scholar who studied under Imam Malik for a number of years. He was one of the four scholars that were involved in the compilation and revision of Al-Mudawwana.

3. Ibn al-Qasim’s opinions in the Mudawwanah
4. Others’ opinions in the Mudawwanah
5. Ibn al-Qasim’s narrations from Malik outside the Mudawwanah
6. Others’ narrations from Malik outside the Mudawwanah
7. Ibn al-Qasim’s opinions outside the Mudawwanah
8. The opinions of the major scholars of the madhab outside the Mudawwanah

The importance of the Mudawwana is that it’s a collection of what Ibn Al Qasim learned in the last 20 years of Imam Malik’s life, which means it’s the final ijtiḥad of Imam Malik.

## **2. Al-Muwatta:**

Al-Muwatta, compiled by Imam Malik himself, was the first book that attempted to compile only sound and reliable sayings of Prophet Muhammad ﷺ into one book. Imam Malik said that he showed his book to seventy scholars in Madinah, who all approved it, thus he gave it the name al-Muwatta, meaning “The Approved”.

This is considered to be the second most authentic source for Imam Malik’s sayings after al-Mudawwana.

## **3. Al-Mustakhrija (also known as al-‘Utbiyya)**

Al-Mustakhrija by Muhammad ibn Ahmad al-‘Utbi al-Andalusi is also known as al-‘Utbiyya.

### **Works on al-‘Utbiyah:**

- Ibn Rushd al-Jadd – al-Bayan wa al-Tahsil (sharh)

#### **4. Al-Mawwaziyya:**

Al-Mawwaziyya was written by Muhammad ibn Ibrahim al-Iskandari, known as Ibn al-Mawwaz.

#### **5. Al-Wadiha**

Al-Wadiha was written by ‘Abdu’l-Malik ibn Habib as-Sulami. It is no longer extant but parts of it are available in sections of al-Nawadir wa al-Ziyadat and some other works.

#### **Teaching Methodology:**

The study of Maliki fiqh should commence with the basic texts including al-Akhdari, al-Ashmawi, al-‘Izziyah (esp. Marriage and Commerce), and Murshid al-Mu’in.

The following works are to be studied after completing the basic works mentioned above. The texts should be studied, with commentaries and marginal notes used as reference by the teacher and students.

#### **Al-Risalat al-Fiqhiyah by Ibn Abi Zayd al-Qayrawani (310-386)**

This text has the distinction of being continuously taught for over a thousand years. One unique feature is that the author often uses hadiths to construct the wording of the text. It is the second most popular Maliki matn in the manuscript tradition, boasting 238 known copies. The teacher may choose from one of the following commentaries:

- Hashiyat al-‘Adawi
- al-Thamr al-Dani by al-Azhari
- Kifayat al-Talib al-Rabbani by al-Manufi (d. 939)

- Sharh Shaykh Ahmad Zarruq (d. 889) with Hashiyat Fath al-Rabbai by al-Bannani (d. 1194)

### **Aqrab al-Masalik by Ahmad al-Dardir al-'Adawi (d. 1201)**

Sidi Ahmad al-Dardir abridged this text from al-Khalil's Mukhtasar, leaving out the differences of opinion, and clarifying some difficult passages. In that sense, it is somewhat similar to Minhaj al-Tullab in the Shafi'i madhab. It serves as an excellent preparation for Khalil's Mukhtasar. The teacher may use either of the following commentaries:

- Sharh al-Saghir and/or al-Sawi's (d.1241) hashiyat Bughyat al-Salik li-Aqrab al-Masalik
- Tabyin al-Masalik li-Tadrib al-Salik by Muhammad al-Shaybani al-Shanqiti

### **Mukhtasar Khalil b. Ishaq al-Jundi (d. 776)**

The Mukhtasar of Sidi Khalil has an unrivaled position in the later Maliki School and is the mu'tamad and mufti bihi text today. It is still memorized in Mauritania. Its popularity is attested to by 348 manuscript copies, making it the most popular non-Hanafi fiqh text in the pre-modern period. It uses unique phrases to indicate differences of opinion among major authorities of the School: 'fiha' for Sahnun's Mudawwana; 'al-ikhtiyar' for al-Lakhmi; 'al-tarjih' for Ibn Yunis; 'al-zahir' for Ibn Rushd, etc.

However, the text is pregnant in meaning and difficult in expression. Therefore, it invariably is studied with commentary. Teachers would refer to a variety of the countless commentaries such as al-Zarqani, al-Bayan

wa al-Taklil, and al-Hattab's magnificent Mawahib al-Jalil. Students, on the other hand, may refer to the following:

- Sharh al-Kabir by Ahmad al- Dardir (d. 1201) – the mu'tamad sharh in the madhab, with hashiyyat al-Dasuqi (d. 1230)
- Nasihat al-Murabit by Shaykh Muhammad al-Amin al-Shanqiti (d.1325) is an excellent work, popular in Mauritania

One modern work which has found great popularity and acceptance among contemporary Maliki is al-Fiqh al-Maliki fi Thawbihi al-Jadid by Muhammad Bashir Shaqfah. It is based on the major commentaries of Mukhtasar al-Khalil and is thus a reliable summary of the mashur of the school, with the added bonus of mentioning evidence. Most Malikis agree that is incredibly accurate in transmitting the relied upon views of the school. It is studied in the UAE in the Shari'ah colleges after being commissioned by Shaykh Zayed in the late 1960s. Shaykh Hamza Yusuf also studied from this text during his study there. It should ideally be studied alongside Sharh al-Saghir with references made to Sharh al-Kabir (for the fiqh) and al-Ma'una with al-Ishraf by Qadi Ibn Abd al-Wahab (for the evidence).

Two other modern works which are great, in my view, are Fiqh al-Maliki wa Adilatihi by al-Habib b. Tahir (which is a tahdhib and ta'dil for Sharh al-Saghir) and al-Ghiryani's Mudawwanat al-Fiqh al-Maliki wa Adilatihi (which is based on Mawahib al-Jalil, the large works of Ibn Rushd and other expansive Maliki works).

### **Reference works:**

- al-Kafi by Ibn Abd al-Barr

- al-Talqin by Qadi Abd al-Wahab
- al-Ma'una by Qadi Abd al-Wahab
- al-Ishraf by Qadi Abd al-Wahab
- al-Dhakhirah by al-Qarafi
- al-Qawanin al-Fiqhiyyah by Ibn Juzayy al-Kalbi (abridged it seems from Bidayat al-Mujtahid)
- Bidayat al-Mujtahid by Ibn Rushd (abridged from Ibn Abd al-Barr's al-Istidhkar)

### **Various Schools within Malikiyyah**

For development beyond the Mudawwana, one looks at the different historical schools of the madhab, which formed in the generation of Malik's students. I must add that is traditionally said that only four schools developed, but the reality is that it was at least six, if one counts the offshoots as independent schools.

1. The Egyptians: These were most authoritative because their leaders were senior students of Malik: Ibn Wahb, Ibn al-Qasim, Ashab, and Ibn Abd al-Hakim. They were strong advocates of Malik and preferred Madinan amal over ahad hadith.
2. The Madinans: These are next in precedence because of the blessing of Madinah. Among this school, Ibn Kinan, Ibn al-Majishun, Mutarrif, Ibn Nafi', and Ibn Maslama are more famous. They were unique in that they apparently preferred ahad hadith over Madinan amal.
3. The Maghribis (North-West Africans): This indicates Shaykh Ibn Zayd, Ibn al-Qabisi, Ibn al-Lubbad, al-Baji, al-Lakhmi, Ibn Muhriz, Ibn 'Abdu'l-Barr, Ibn Rushd, Ibn al-'Arabi, Qadi Sanad,

al-Makhzumi, Ibn Shiblun and Ibn Sha'ban. The Maghribis are next in precedence because they developed they preserved Madhab quite extensively. However, as they held full dominance in their lands, with no opposition, they gave little attention to evidence. There was no need to justify positions beyond what mashur (famous and widely known).

4. The Andalusians tended to mix the hadith approach of the Madinans with the mashur approach of the Egyptians and Maghribis. This perhaps might have resulted from the presence of other schools in Spain such as those of al-Awza'i and al-Zahiri. As such, Spain produced such figures as Yahya b. Yahya al-Laythi, Ibn Abd al-Barr, al-Baji, Ibn Rushd, and Ibn Habib.
5. The Sicilian school was somewhat of an extension of the Maghribi school and boasted such luminaries as Ibn Yunus and al-Maziri.
6. The Iraqis: The notables of this school include Qadi Isma'il ibn Ishaq, Qadi Abu'l-Husayn ibn al-Qassar, Ibn al-Jallab, Qadi 'Abdu'l-Wahhab, Shaykh Abu Bakr al-Abhari and their likes. This school is ranked last, although Qadi Abd al-Wahab is seen to have a similar strength to Ibn Rushd with the latter scholars of the madhab. The Iraqi school is said to have been somewhat of an extension of the Madinan school. As a result of being in Iraq, where all the other schools were present, the Iraqis tended to focus on evidence to defend the school in debates with others. Ibn al-Jullab and al-Abhari are other notables of this school.





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